

IN RE: PETITIONS FOR SPECIAL EXCEPTION \* BEFORE THE  
 AND VARIANCE - SE/Corner Security  
 Boulevard and Brookdale Road \* ZONING COMMISSIONER  
 (Chadwick Manor Shopping Center)  
 1st Election District \* OF BALTIMORE COUNTY  
 1st Councilmanic District \*  
 \* Case No. 96-106-XA  
 Chadwick Manor Shopping Center  
 Petitioner \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as the Chadwick Manor Shopping Center, located on the southeast corner of Security Boulevard and Brookdale Road, adjacent to Security Square Mall in Woodlawn. The Petitions were filed by the owner of the property, Chadwick Manor Shopping Center, a Maryland Joint Venture, by Anthony J. Mierzwicki, Director of Development, through their attorney, Michael E. Marino, Esquire. The Petitioner seeks approval of certain existing signs in connection with the operation of the existing shopping center, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.2.b.(3), (4), (5), and (6), to permit 721 parking spaces in lieu of the required 911 spaces; from Section 413.2.E to permit two existing double-faced shopping center identification signs, one of 360 sq.ft. (Sign A) and one of 160 sq.ft. (Sign D), both in lieu of the maximum permitted 150 sq.ft.; from Section 413.2.F to permit three (3) "other business signs" of 140 sq.ft. each, or 420 sq.ft. total, in lieu of the maximum permitted 100 sq.ft. (existing Sign B and proposed Signs O and P); and from Section 413.1.E to permit four (4) existing directional signs, all of which exceed 15 sq.ft., and three of which are illuminated, as follows: One single-faced illuminated sign of 36 sq.ft. (Sign E), one single-faced illuminated sign of 32

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Date

By

APPROVED

sq.ft. (Sign F), one double-faced illuminated sign of 36 sq.ft. (Sign G), and one double-faced, non-illuminated sign of 23 sq.ft. (Sign H). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Anthony J. Mierzwicki, Director of Development for the Petitioner, David S. Thaler and Alan E. Scoll, engineering and landscape architects with D. S. Thaler and Associates, Inc., who prepared the site plan for this project, James Morris, and Michael E. Marino, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 14.09 acres, more or less, zoned B.L.-C.N.S. and is the site of the Chadwick Manor Shopping Center. The property is located at the intersection of Security Boulevard and Brookdale Road, not far from the Baltimore Beltway (I-695) in Woodlawn. The site is an older commercial site which has been developed for many years. The shopping center contains a number of retail and commercial uses, as well as the unique combination of office space. Kaiser Permanente, a health maintenance organization (HMO), maintains its offices at the site.

The Petitioner proposes substantial renovations to the property, including two new buildings which will be separate from the existing building. Proposed Building A is designated as a bank building and will house a bank/financial institution. This building will be located immediately adjacent to Security Boulevard and will be a one-story building of approximately 5,000 sq.ft. Proposed Building B is shown as a 3,300 sq.ft. building, located immediately adjacent to Rolling Road, and will contain a

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restaurant. The property also has a unique zoning history. A special hearing was granted in prior Case No. 72-22-SPH to approve permit parking in a residential zone. Later, in Case No. 84-85-SPH, special hearing approval was granted to allow off-street parking in a residential zone and to amend the previously approved site plan accordingly. Lastly, in Case No. 86-80-SPH, an amendment to the previously approved site plan in prior Case No. 84-85-SPH was requested to permit an entrance to the shopping center through D.R. 5.5 zoned land.

As noted above, much of the special hearing and variance relief requested herein springs from the installation of new signage proposed for this site. These signs are designed to direct customer traffic within the shopping center and to facilitate a reasonable amount of advertising. It is to be noted that within its Zoning Plans Advisory Committee (ZAC) comments dated September 21, 1995, the Office of Planning and Zoning (OPZ) opined that the proposed signs are compatible, in terms of design and scale, with other signs in the area, and recommended approval of same.

Special Exception approval should be granted if the Petitioner demonstrates that the proposed use will not be detrimental to the health, safety and general welfare of the surrounding locale in accordance with the standards set forth in Section 502.1 of the B.C.Z.R. and variance relief can be granted upon compliance with the provisions of Section 307 of the B.C.Z.R. That Section requires that the Petitioner demonstrate that a practical difficulty would exist if variance relief were denied. Moreover, the Petitioner must demonstrate that the property contains some unique characteristics which justifies the grant of the relief. Lastly, the relief can only be granted so as to be consistent with the spirit and intent of the regulations and without detriment to the surrounding locale.

The subject site was developed a number of years ago in the mid-1960s. This is a large parcel of approximately 15 acres, primarily zoned B.L.-C.N.S., with a small portion zoned D.R. 5.5. It is clear that the Petitioner satisfies the burdens set forth at law as described above. I concur with the assessment of the Office of Planning and Zoning, wherein they conclude that the proposed improvements to the site will constitute an upgrade to the property and improve the site's utility and appearance. The total sign package proposed, along with the other improvements and new construction, will provide a real benefit to not only this site but neighboring properties as well. For these reasons, the Petitions for Special Exception and Variance should be approved.

I will also incorporate as a condition of the relief granted, a requirement that the Petitioner provide landscaping as required by the Landscape Manual for the new buildings. This requirement is consistent with the comment offered by the Developers Plans Review division. An examination of the site plan indicates that the existing portion of this site is landscaped and thus, this restriction is applicable only to the proposed new buildings.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of November, 1995 that the Petition for Special Exception seeking approval of certain existing signs in connection with the operation of the existing shopping center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

ORDER RECEIVED FOR FILING

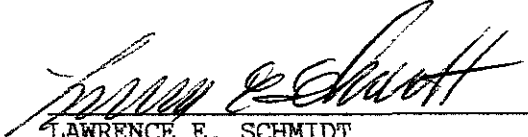
Date

By



IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.2.b.(3), (4), (5), and (6), to permit 721 parking spaces in lieu of the required 911 spaces; from Section 413.2.E to permit two existing double-faced shopping center identification signs, one of 360 sq.ft. (Sign A) and one of 160 sq.ft. (Sign D), both in lieu of the maximum permitted 150 sq.ft.; from Section 413.2.F to permit three (3) "other business signs" of 140 sq.ft. each, or 420 sq.ft. total, in lieu of the maximum permitted 100 sq.ft. (existing Sign B and proposed Signs O and P); and from Section 413.1.E to permit four (4) existing directional signs, all of which exceed 15 sq.ft., and three of which are illuminated, as follows: One single-faced illuminated sign of 36 sq.ft. (Sign E), one single-faced illuminated sign of 32 sq.ft. (Sign F), one double-faced illuminated sign of 36 sq.ft. (Sign G), and one double-faced, non-illuminated sign of 23 sq.ft. (Sign H), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Landscaping of the proposed buildings shall be in compliance with the Landscape Manual for Baltimore County.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING  
Date 11/29/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

November 29, 1995

Michael E. Marino, Esquire  
609 Bosley Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
SE/Corner Security Boulevard and Brookdale Road  
(Chadwick Manor Shopping Center)  
1st Election District - 1st Councilmanic District  
Chadwick Manor Shopping Center - Petitioner  
Case No. 96-106-XA

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Anthony J. Mierzwicki, Chadwick Manor Shopping Ctr., J.V.,  
920 Providence Road, Baltimore, Md. 21286

People's Counsel

✓  
File



# Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at CHADWICK MANOR SHOPPING CENTER  
Southeast Corner of Security Boulevard and  
Brookdale Road

which is presently zoned BL-CNS  
DR.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the ~~various described property for~~

certain existing signs in connection with the operation of an existing shopping center all more particularly set forth on the attached Schedule A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

CHADWICK MANOR SHOPPING CENTER, a  
Maryland joint venture

(Type or Print Name)

Signature

Anthony J. Mierzwicki

(Type or Print Name)

DIRECTOR OF DEVELOPMENT

Signature

920 Providence Road (410) 823-0637

Address

Phone No

Baltimore, Maryland 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

1 hr.

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: MM

DATE

8/29/95



## SPECIAL EXCEPTION

SPECIAL EXCEPTION TO PERMIT FOUR (4) OUTDOOR ADVERTISING SIGNS IN A BL ZONE, WITH THE FOLLOWING VARIANCES FROM THE BALTIMORE COUNTY ZONING REGULATIONS: SECTIONS 413.3.B (100-FOOT SETBACK TO A DUAL-LANE HIGHWAY); 413.3.C. (10-FOOT SETBACK TO A RIGHT-OF-WAY LINE); 413.3.D. (100-FOOT SETBACK TO AN INTERSECTION INVOLVING A DUAL HIGHWAY; 50-FEET FROM ANY OTHER INTERSECTION); AND 413.3.F. (MINIMUM 100-FOOT SPACING BETWEEN OUTDOOR ADVERTISING SIGNS ON AN IMPROVED COMMERCIAL PROPERTY); AS FOLLOWS:

### SIGN 'C':

413.3.B. : LESS THAN ONE FOOT IN LIEU OF 100 FEET  
413.E.C. : LESS THAN ONE FOOT IN LIEU OF 10 FEET  
413.3.D. : LESS THAN ONE FOOT IN LIEU OF 100 FEET  
413.3.F. : +/- 15 FEET IN LIEU OF 100 FEET

### SIGN 'J':

413.3.C. : LESS THAN ONE FOOT IN LIEU OF 10 FEET

### SIGN 'K':

413.3.C. : +/- 5 FEET IN LIEU OF 10 FEET  
413.3.D. : +/- 5 FEET IN LIEU OF 50 FEET

### SIGN 'L':

413.3.B. : LESS THAN ONE FOOT IN LIEU OF 100 FEET  
413.E.C. : LESS THAN ONE FOOT IN LIEU OF 10 FEET  
413.3.D. : LESS THAN ONE FOOT IN LIEU OF 100 FEET  
413.E.F. : +/-15 FEET IN LIEU OF 100 FEET

RECEIVED

# 96



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

CHADWICK MANOR SHOPPING CENTER  
Southeast Corner of Security Boulevard and  
Brookdale Road

which is presently zoned

BL-CNS

DR. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED SCHEDULE "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The property and/or improvements thereon are unique and without the requested variances, the subject property is not capable of being developed as contemplated, thereby creating practical difficulty or hardship with regard to developability. The granting of this variance will not result in injury to public health, safety or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

Michael E. Marino, Esquire

(Type or Print Name)

Signature

609 Bosley Avenue (410) 821-6633

Address

Phone No

Towson, Maryland 21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are a legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

CHADWICK MANOR SHOPPING CENTER, a  
Maryland joint venture

(Type or Print Name)

Signature

Anthony J. Mierzwicki

(Type or Print Name)

DIRECTOR OF DEVELOPMENT

Signature

920 Providence Road (410) 823-0637

Address

Phone No

Baltimore, Maryland 21286

City

State

Zipcode

Name Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

8/29/95

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink  
on Recycled Paper



RECORDED

## CHADWICK MANOR SHOPPING CENTER

### VARIANCES

1. VARIANCE FROM SECTION 409.2.b. (3) (4), (5), & (6) (BCZR 1955, BILL NO. 18-76) TO PERMIT 721 PARKING SPACES IN LIEU OF 911 PARKING SPACES REQUIRED.
2. VARIANCE FROM BCZR - SECTION 413.2.E. TO PERMIT TWO SHOPPING CENTER I.D. SIGNS, AS FOLLOWS:
  - (a) ONE EXISTING DOUBLE-FACED SIGN, 360 SQUARE FEET IN LIEU OF 150 SQUARE FEET ALLOWED (SIGN 'A').
  - (b) ONE EXISTING DOUBLE-FACED SIGN, 160 S.F, IN LIEU OF 150 SQUARE FEET ALLOWED, LOCATED ACROSS FROM A RESIDENTIALLY ZONED TRACT, NOT LOCATED ON AN OFFICIALLY RECOGNIZED THOROUGHFARE (SIGN 'D').
3. VARIANCE FROM BCZR - SECTION 413.2.F. TO PERMIT THREE (3) "OTHER BUSINESS SIGNS" THAT TOTAL 420 SQUARE FEET IN LIEU OF THE TOTAL 100 SQUARE FEET PERMITTED IN A BUSINESS ZONE, AS FOLLOWS:
  - (a) ONE EXISTING DOUBLE-FACED SIGN, 140 SQUARE FEET (SIGN 'B')
  - (b) ONE PROPOSED DOUBLE-FACED SIGN, 140 SQUARE FEET (SIGN 'O')
  - (c) ONE PROPOSED DOUBLE-FACED SIGN, 140 SQUARE FEET (SIGN 'P')
4. VARIANCE FROM BCZR - SECTION 413.1.E. TO PERMIT FOUR (4) DIRECTIONAL SIGNS WHICH EXCEED 15 SQUARE FEET EACH IN SIZE, CONTAINING ADVERTISING MATTER, AND THREE (3) OF WHICH ARE ILLUMINATED, AS FOLLOWS:
  - (a) ONE EXISTING SINGLE-FACED ILLUMINATED 36 SQUARE FEET SIGN (SIGN 'E')
  - (b) ONE EXISTING SINGLE-FACED ILLUMINATED 32 SQUARE FEET SIGN (SIGN 'F')
  - (c) ONE EXISTING DOUBLE-FACED ILLUMINATED 36 SQUARE FEET SIGN (SIGN 'G')
  - (d) ONE EXISTING DOUBLE-FACED NON-ILLUMINATED 23 SQUARE FEET SIGN (SIGN 'H')

ORDER RECEIVED FOR FILING

Date

By

March 15, 1995

**CHADWICK MANOR SHOPPING CENTER**

**DESCRIPTION TO ACCOMPANY ZONING PETITION**

**(for Zoning Purposes Only)**

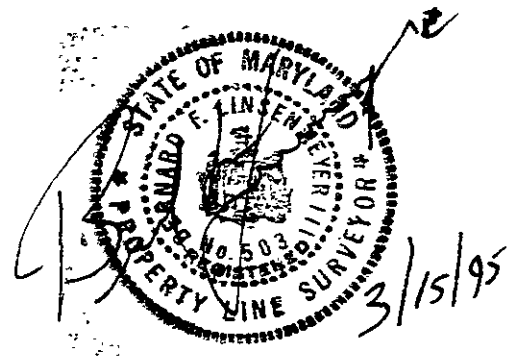
Beginning at a point approximately 55 feet north of the intersection of Newcastle Road and Fairbrook Road, thence running the following twenty (20) courses and distances:

1. South  $84^{\circ}21'40''$  West, 35.33 feet, more or less, to a point; thence,
2. North  $50^{\circ}41'30''$  West, 95.00 feet, more or less, to a point; thence,
3. 282.74 feet curving to the left, having a radius of 180.00 feet, more or less, to a point; thence,
4. South  $39^{\circ}18'30''$  West, 171.89 feet, more or less, to a point; thence,
5. 47.84 feet curving to the right, having a radius of 168.85 feet, more or less, to a point; thence,
6. North  $34^{\circ}27'30''$  West, 121.46 feet, more or less, to a point; thence,
7. North  $86^{\circ}57'00''$  West 62.39 feet, more or less, to a point;
8. North  $59^{\circ}21'50''$  West 175.00 feet, more or less, to a point;
9. North  $30^{\circ}38'10''$  East 123.54 feet, more or less, to a point;
10. North  $07^{\circ}06'00''$  West 105.55 feet, more or less, to a point;
11. 344.88 feet, curving to the left, having a radius of 290.00 feet, more or less, to a point; thence,
12. North  $14^{\circ}45'40''$  East 223.61 feet, more or less, to a point;
13. South  $75^{\circ}14'20''$  East 175.00 feet, more or less, to a point;

page 2

CHADWICK MANOR SHOPPING CENTER  
DESCRIPTION TO ACCOMPANY ZONING PETITION  
(for Zoning Purposes Only)  
March 15, 1995

14. North  $14^{\circ}45'40''$  East 160.00 feet, more or less, to a point;
  15. South  $75^{\circ}14'20''$  East 468.94 feet, more or less, to a point;
  16. 214.43 feet, curving to the right, having a radius of 239.00 feet, more or less, to a point; thence,
  17. South  $14^{\circ}44'40''$  East 63.52 feet, more or less, to a point;
  18. South  $75^{\circ}15'20''$  West 172.05 feet, more or less, to a point;
  19. South  $16^{\circ}04'00''$  East 245.34 feet, more or less, to a point;
  20. 346.43 feet, curving to the left, having a radius of 735.00 feet, more or less, to the point of beginning.
- Containing approximately 14.09 acres, more or less.





#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 96-106-XA

(Item 96)

Chadwick Manor Shopping Center corner S/S Security Boulevard and W/S Rolling Road

1st Election District

1st Councilmanic

Legal Owner(s):

Chadwick Manor Shopping Center

Hearing: Monday,

October 23, 1995 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Exception: to permit 4 outdoor advertising signs in a B.L. zone. Variance: to permit 721 parking spaces in lieu of 911 parking spaces required; to permit two shopping center I.D. signs: one existing double-faced sign, 360 square feet in lieu of 150 square feet allowed (Sign "A") and one existing double-face sign 160 square feet in lieu of 150 square feet allowed, located across from a residentially zoned tract, not located on an officially recognized thoroughfare (Sign "D"); to permit three other business signs that total 420 square feet in lieu of the total 100 square feet; one existing double-faced sign 140 square feet (Sign "B"); one proposed double-faced sign 140 square feet (Sign "D"), and one proposed double-faced sign 140 square feet (Sign "P"); and to permit four directional signs which exceed 15 square feet each in size, containing advertising matter, and three of which are illuminated: one existing single-faced illuminated 36 square feet sign (Sign "E"), one existing single-faced illuminated 32 square feet sign (Sign "F"), one existing double-faced illuminated 36 square feet sign (Sign "G"), and one existing double-faced non-illuminated 23 square feet sign (Sign "H").

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

*A. Henrickson*

LEGAL AD. - TOWSON

**CERTIFICATE OF POSTING** 96-106-XA  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

District 1st Date of Posting 10/7/95  
Posted for: Spec. Excavation & Variation  
Petitioner: Charleswick Manor Shopping Ctr.  
Location of property: Sp Security Blvd. - N/S Rolling Rd.  
Location of Signs: Facing road way on property being zoned

Remarks: \_\_\_\_\_  
Posted by [Signature] Date of return: 10/13/95  
Number of Signs: 1  
Signature



10/13/95

## No.

AMOUNT \$ 40.00 (CAM)

01A00#0167NICHRC \$40.00  
BA 0011: E1A005-28-96

No.

AMOUNT \$ 620.00

1. 1990 年 12 月 1 日以前  
 2. 1990 年 12 月 1 日以后

**DISTRIBUTION**

WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

**VALIDATION OR SIGNATURE OF CASHIER**

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be assessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 96

Petitioner: Chadwick Manor Shopping Center

Location: corner of South Side of Security Blvd, West side of Rolling Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Michael E. Marino, Esquire

ADDRESS: 609 Bosley Avenue

Towson, MD 21204

PHONE NUMBER: (410) 821-6633

AJ:ggs

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.  
609 Bosley Avenue  
Towson, MD 21204  
821-6633

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-106-XA (Item 96)  
Chadwick Manor Shopping Center  
corner S/S Security Boulevard and W/S Rolling Road  
1st Election District - 1st Councilmanic  
Legal Owner: Chadwick Manor Shopping Center  
HEARING: MONDAY, OCTOBER 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception to permit 4 outdoor advertising signs in a B.L. zone.  
Variance to permit 721 parking spaces in lieu of 911 parking spaces required; to permit two shopping center I.D. signs: one existing double-faced sign, 360 square feet in lieu of 150 square feet allowed (Sign "A") and one existing double-face sign 160 square feet in lieu of 150 square feet allowed, located across from a residentially zoned tract, not located on an officially recognized thoroughfare (Sign "D"); to permit three other business signs that total 420 square feet in lieu of the total 100 square feet; one existing double-faced sign 140 square feet (Sign "B"); one proposed double-faced sign 140 square feet (Sign "O"), and one proposed double-faced sign 140 square feet (Sign "P"); and to permit four directional signs which exceed 15 square feet each in size, containing advertising matter, and three of which are illuminated: one existing single-faced illuminated 36 square feet sign (Sign "E"), one existing single-faced illuminated 32 square feet sign (Sign "F"), one existing double-faced illuminated 36 square feet sign (Sign "G"), and one existing double-faced non-illuminated 23 square feet sign (Sign "H").

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-106-XA (Item 96)

Chadwick Manor Shopping Center

corner S/S Security Boulevard and W/S Rolling Road

1st Election District - 1st Councilmanic

Legal Owner: Chadwick Manor Shopping Center

HEARING: MONDAY, OCTOBER 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception to permit 4 outdoor advertising signs in a B.L. zone.

Variance to permit 721 parking spaces in lieu of 911 parking spaces required; to permit two shopping center I.D. signs: one existing double-faced sign, 360 square feet in lieu of 150 square feet allowed (Sign "A") and one existing double-face sign 160 square feet in lieu of 150 square feet allowed, located across from a residentially zoned tract, not located on an officially recognized thoroughfare (Sign "D"); to permit three other business signs that total 420 square feet in lieu of the total 100 square feet; one existing double-faced sign 140 square feet (Sign "B"); one proposed double-faced sign 140 square feet (Sign "O"), and one proposed double-faced sign 140 square feet (Sign "P"); and to permit four directional signs which exceed 15 square feet each in size, containing advertising matter, and three of which are illuminated: one existing single-faced illuminated 36 square feet sign (Sign "E"), one existing single-faced illuminated 32 square feet sign (Sign "F"), one existing double-faced illuminated 36 square feet sign (Sign "G"), and one existing double-faced non-illuminated 23 square feet sign (Sign "H").

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Chadwick Manor Shopping Center  
Michael E. Marino, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

October 16, 1995

Michael E. Marino, Esquire  
609 Bosley Avenue  
Towson, Maryland 21204

RE: Item No.: 96  
Case No.: 96-106-XA  
Petitioner: Chadwick Manor  
Shopping Ctr.

Dear Mr. Marino:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

*W. Carl Richards, Jr.*  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 21, 1995

FROM: Pat Keller, Director, OP

SUBJECT: Chadwick Manor Shopping Center

INFORMATION:

Item Number: 96

Petitioner: Chadwick Manor Shopping Center

Property Size: \_\_\_\_\_

Zoning: BL-CNS

Requested Action: Special Exception and Variance

Hearing Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

A review of the information provided reveals that the applicant is making an obvious effort to upgrade the sign treatment of the Chadwick Manor Shopping Center. As the subject property is a mixed use site and the proposed signs would be compatible in terms of design and scale, staff recommends that the applicant's request be granted.

Prepared by: \_\_\_\_\_

*Jeffrey W. Long*

Division Chief: \_\_\_\_\_

*Gary L. Kerns*

PK/JL



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO:   Arnold Jablon, Director           DATE:   Sept. 18, 1995  
      Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
      Development Plans Review Division

RE:    Zoning Advisory Committee Meeting  
      for September 18, 1995  
      Item No. 096

The Development Plans Review Division has reviewed the subject zoning item. Permits for the proposed Buildings 'A' and 'B' are subject to the Landscape Manual. Chadwick Manor Shopping Center is in substantial compliance with the previous minimal landscape requirements.

This office recommends that an upgrade to current standards be required to the extent possible.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 11, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, <sup>(3)</sup>  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 93, 96, 97 & 99.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office. PHONE 887-4881, MS-1102F

RECEIVED  
SEP 13 1995  
ZADM





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 096 (MJK)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for*   
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

May 22, 1996

Mr. Thomas W. Hewitt  
Senior Project Manager  
D.S. Thaler & Associates, Inc.  
7115 Ambassador Road  
Baltimore, MD 21244

RE: Zoning Verification  
SECU Building  
Chadwick Manor Shop. Cntr.  
Zoning Case #96-106-XA  
1st Election District

Dear Mr. Hewitt:

A review of the red-lined plan dated May 14, 1996, of the above referenced property, has led to a determination that the plan is within the spirit and intent of the original order. A copy of this letter and the signed plan will be forwarded to the case file.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "CAM", followed by a flourish.

Catherine A. Milton  
Planner I  
Zoning Review

CAM:scj

c: zoning case #96-106-XA

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
Chadwick Manor Shopping Center, Corner	*	ZONING COMMISSIONER
S/S Security Blvd, and W/S Rolling Road		
1st Election Dist., 1st Councilmanic	*	OF BALTIMORE COUNTY
Chadwick Manor Shopping Center	*	CASE NO. 96-106-XA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19<sup>th</sup> day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael E. Marino, Esquire, 609 Bosley Avenue, Towson, MD 21204, attorney for Petitioner.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

5/17/96 96-2918  
To: CAM  
STI  
5/17/96  
7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244  
(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684  
5/20 called for # go.  
Rec 21 May  
5/24 - called for  
B - Tuesday  
OK

# D.S. THALER & ASSOCIATES, INC.

7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244  
(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3684

May 14, 1996

Baltimore County Maryland  
Office of Zoning Administration and  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: Arnold Jablon, Esquire

RE: SECU Building  
Chadwick Manor Shopping Center  
Spirit and Intent Request 96-106-XA  
DRC No. 09064B  
District ICI  
9/6/94

Dear Mr. Jablon:

This letter is a request for your concurrence that the enclosed "red-lined" plan meets the "Spirit and Intent" of the approval of the site plan presented in Zoning Case No. 96-106XA.

The plan, as approved on November 29, 1995, showed the building front orientation away from Security Boulevard with the drive through access from the interior shopping center parking aisles. The final architecture, existing site topography, and various ADA requirements suggested that the orientation of the building rotate 180 degrees to provide better handicap access and integration of the building and site.

The enclosed plan proposes to relate the building as described and to adjust specific parking locations to maintain parking count. No new variances are requested or required.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

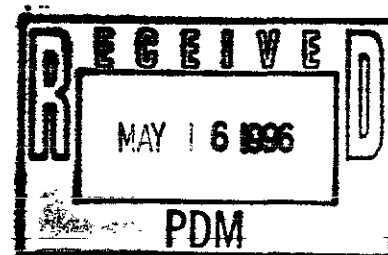
  
Thomas W. Hewitt  
Senior Project Manager

TWH/gfl/D#23/Jablon/M.14

cc: Anthony Mierzwicki  
David S. Thaler, P.E., L.S.  
Henry F. Sadler, P.E.  
Alan E. Scoll, R.L.A.

Enclosure

CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL E. MARINO

ANTHONY J. MIERZWIKA

DAVID S. THALER

ALAN E. SCOLL

JAMES MORRIS

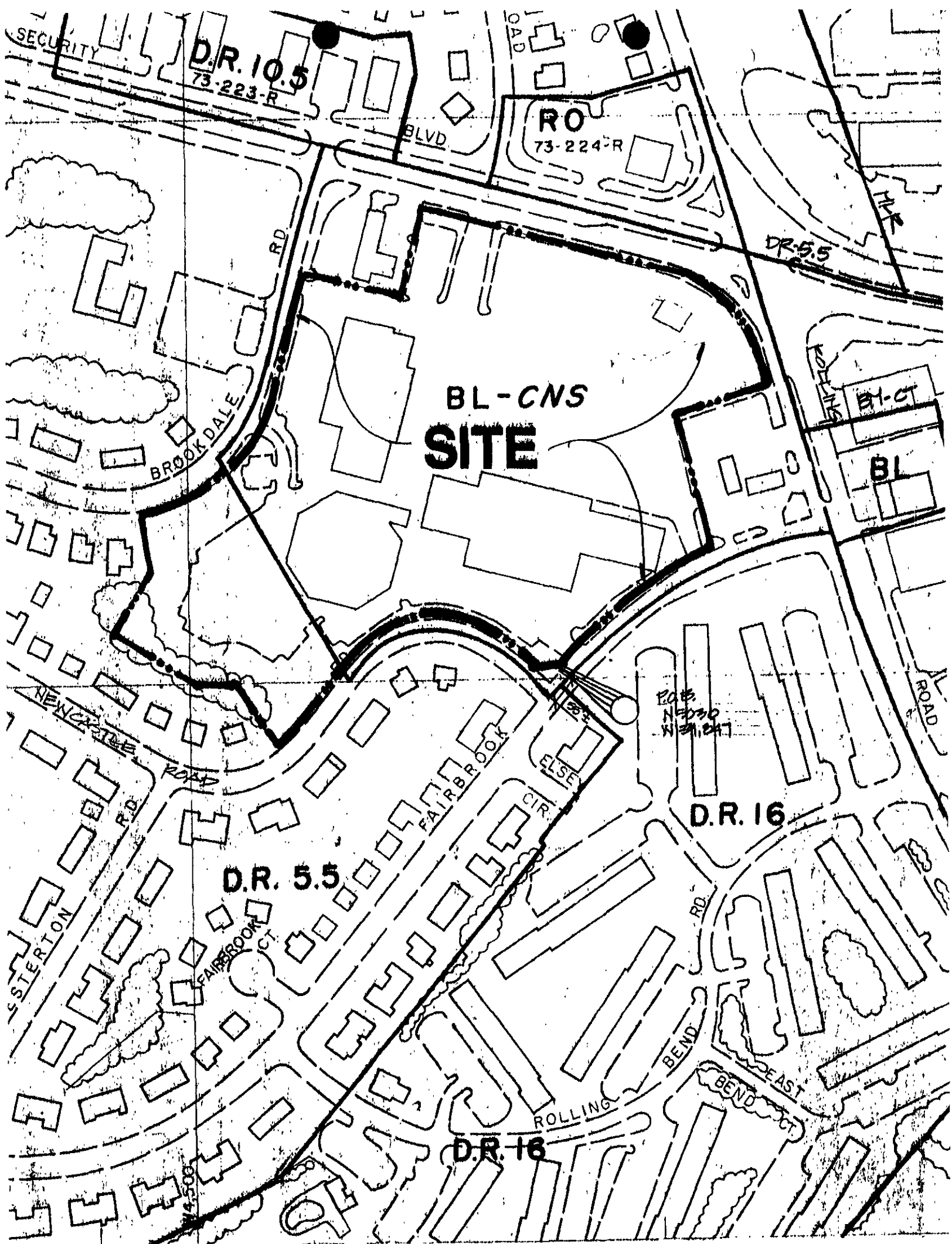
6129 BOSLEY AVE. 21204

920 PROVIDENCE RD 21286

7115 AMBASSADOR RD. 21244

" " " "

SEMI 8503 LaSalle Rd. 21286



1992 Baltimore County 200 Scale Zoning Map (NW-2G) To Accompany Zoning Petition

## CHADWICK MANOR SHOPPING CENTER

D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS  
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244  
(410) 944-ENGR, (410) 944-3647 3-3-95

# 96





IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - SE/Corner Security Boulevard and Brookdale Road (Chadwick Manor Shopping Center) 1st Election District 1st Councilmanic District

\* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

\* Case No. 96-106-XA

Chadwick Manor Shopping Center Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as the Chadwick Manor Shopping Center, located on the southeast corner of Security Boulevard and Brookdale Road, adjacent to Security Square Mall in Woodlawn. The Petitions were filed by the owner of the property, Chadwick Manor Shopping Center, a Maryland Joint Venture, by Anthony J. Mierzwicki, Director of Development, through their attorney, Michael E. Marino, Esquire. The Petitioner seeks approval of certain existing signs in connection with the operation of the existing shopping center, and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.2.b.(3), (4), (5), and (6), to permit 721 parking spaces in lieu of the required 911 spaces; from Section 413.2.E to permit two existing double-faced shopping center identification signs, one of 360 sq.ft. (Sign A) and one of 160 sq.ft. (Sign D), both in lieu of the maximum permitted 150 sq.ft.; from Section 413.2.F to permit three (3) "other business signs" of 140 sq.ft. each, or 420 sq.ft. total, in lieu of the maximum permitted 100 sq.ft. (existing Sign B and proposed Signs O and P); and from Section 413.1.E to permit four (4) existing directional signs, all of which exceed 15 sq.ft., and three of which are illuminated, as follows: One single-faced illuminated sign of 36 sq.ft. (Sign E), one single-faced illuminated sign of 32

sq.ft. (Sign F), one double-faced illuminated sign of 36 sq.ft. (Sign G), and one double-faced, non-illuminated sign of 23 sq.ft. (Sign H). The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Anthony J. Mierzwicki, Director of Development for the Petitioner, David S. Thaler and Alan E. Scoll, engineering and landscape architects with D. S. Thaler and Associates, Inc., who prepared the site plan for this project, James Morris, and Michael E. Marino, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 14.09 acres, more or less, zoned B.L.-C.N.S. and is the site of the Chadwick Manor Shopping Center. The property is located at the intersection of Security Boulevard and Brookdale Road, not far from the Baltimore Beltway (I-695) in Woodlawn. The site is an older commercial site which has been developed for many years. The shopping center contains a number of retail and commercial uses, as well as the unique combination of office space. Kaiser Permanente, a health maintenance organization (HMO), maintains its offices at the site.

The Petitioner proposes substantial renovations to the property, including two new buildings which will be separate from the existing building. Proposed Building A is designated as a bank building and will house a bank/financial institution. This building will be located immediately adjacent to Security Boulevard and will be a one-story building of approximately 5,000 sq.ft. Proposed Building B is shown as a 3,300 sq.ft. building, located immediately adjacent to Rolling Road, and will contain a

restaurant. The property also has a unique zoning history. A special hearing was granted in prior Case No. 72-22-SPH to approve permit parking in a residential zone. Later, in Case No. 84-85-SPH, special hearing approval was granted to allow off-street parking in a residential zone and to amend the previously approved site plan accordingly. Lastly, in Case No. 96-80-SPH, an amendment to the previously approved site plan in prior Case No. 84-85-SPH was requested to permit an entrance to the shopping center through D.R. 5.5 zoned land.

As noted above, much of the special hearing and variance relief requested herein springs from the installation of new signage proposed for this site. These signs are designed to direct customer traffic within the shopping center and to facilitate a reasonable amount of advertising. It is to be noted that within its Zoning Plans Advisory Committee (ZAC) comments dated September 21, 1995, the Office of Planning and Zoning (OPZ) opined that the proposed signs are compatible, in terms of design and scale, with other signs in the area, and recommended approval of same.

Special Exception approval should be granted if the Petitioner demonstrates that the proposed use will not be detrimental to the health, safety and general welfare of the surrounding locale in accordance with the standards set forth in Section 502.1 of the B.C.Z.R. and variance relief can be granted upon compliance with the provisions of Section 307 of the B.C.Z.R. that Section requires that the Petitioner demonstrate that a practical difficulty would exist if variance relief were denied. Moreover, the Petitioner must demonstrate that the property contains some unique characteristics which justifies the grant of the relief. Lastly, the relief can only be granted so as to be consistent with the spirit and intent of the regulations and without detriment to the surrounding locale.

The subject site was developed a number of years ago in the mid-1960s. This is a large parcel of approximately 15 acres, primarily zoned B.L.-C.N.S., with a small portion zoned D.R. 5.5. It is clear that the Petitioner satisfies the burdens set forth at law as described above. I concur with the assessment of the Office of Planning and Zoning, wherein they conclude that the proposed improvements to the site will constitute an upgrade to the property and improve the site's utility and appearance. The total sign package proposed, along with the other improvements and new construction, will provide a real benefit to not only this site but neighboring properties as well. For these reasons, the Petitions for Special Exception and Variance should be approved.

I will also incorporate as a condition of the relief granted, a requirement that the Petitioner provide landscaping as required by the Landscape Manual for the new buildings. This requirement is consistent with the comment offered by the Developers Plans Review division. An examination of the site plan indicates that the existing portion of this site is landscaped and thus, this restriction is applicable only to the proposed new buildings.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of November, 1995 that the Petition for Special Exception seeking approval of certain existing signs in connection with the operation of the existing shopping center, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.2.b.(3), (4), (5), and (6), to permit 721 parking spaces in lieu of the required 911 spaces; from Section 413.2.E to permit two existing double-faced shopping center identification signs, one of 360 sq.ft. (Sign A) and one of 160 sq.ft. (Sign D), both in lieu of the maximum permitted 150 sq.ft.; from Section 413.2.F to permit three (3) "other business signs" of 140 sq.ft. each, or 420 sq.ft. total, in lieu of the maximum permitted 100 sq.ft. (existing Sign B and proposed Signs O and P); and from Section 413.1.E to permit four (4) existing directional signs, all of which exceed 15 sq.ft., and three of which are illuminated, as follows: One single-faced illuminated sign of 36 sq.ft. (Sign E), one single-faced illuminated sign of 32 sq.ft. (Sign F), one double-faced illuminated sign of 36 sq.ft. (Sign G), and one double-faced, non-illuminated sign of 23 sq.ft. (Sign H), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Landscaping of the proposed buildings shall be in compliance with the Landscape Manual for Baltimore County.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204 (410) 887-4386

November 29, 1995

Michael E. Marino, Esquire  
609 Bosley Avenue  
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE  
SE/Corner Security Boulevard and Brookdale Road  
(Chadwick Manor Shopping Center)  
1st Election District - 1st Councilmanic District  
Chadwick Manor Shopping Center - Petitioner  
Case No. 96-106-XA

Dear Mr. Marino:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. Anthony J. Mierzwicki, Chadwick Manor Shopping Ctr., J.V.,  
920 Providence Road, Baltimore, Md. 21286

People's Counsel

File

## Petition for Special Exception

to the Zoning Commissioner of Baltimore County  
for the property located at

CHADWICK MANOR SHOPPING CENTER  
Southeast Corner of Security Boulevard and  
Brookdale Road  
which is presently zoned B.L.-C.N.S.  
DR.3.3

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

certain existing signs in connection with the operation of an existing shopping center all more particularly set forth on the attached Schedule A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay, expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Purchase Price

Price of Five Dollars

Signature

Address

City

State

Zip Code

Attorney for Petitioner

Michael E. Marino, Esquire

Signature

609 Bosley Avenue (410) 821-6633

Towson, Maryland 21204

City

State

Zip Code

Legal Owner(s)

CHADWICK MANOR SHOPPING CENTER, a  
Maryland Joint Venture

Signature

Address

City

State

Zip Code

Attorney for Petitioner

Signature

Address

City

State

Zip Code

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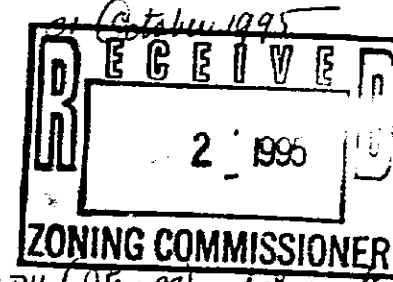
MRS. ROLAND L. BROWN, JR.  
602 COVENTRY ROAD  
TOWSON, MARYLAND 21204

Lawrence Schmidt,  
Zoning Commissioner  
400 Washington Ave.  
Towson, MD 21204

Dear Mr. Schmidt:

Regarding case number 96-107SPH (ITEM 98), what quality downtown Towson does NOT need is a tattoo parlor—in addition to the two billiard/pool games halls and the sleazy erotic undergarments shop already degrading the area. As concerned citizens of Towson residents we wish with dismay the rapid decline of this small central district and new—a tattoo parlor as well? Hardly a wholesome attraction either for the high school or college students nearby or for students engaged in the constant struggle to help their parents' financial and property values up. Towson's pleasant family-oriented face is rapidly disappearing behind a veil of seamy commercialism. We urge you not to allow this further deterioration of the area.

Sincerely,  
Elizabeth and Roland Brown



October 29, 1995

Lawrence Schmidt  
Zoning Commissioner  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

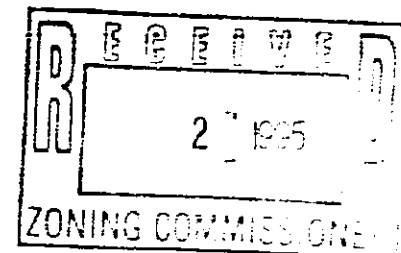
Case #96-107SPH (ITEM 98)

Dear Mr. Schmidt:

I want to let you know that I do not favor having a tattoo parlor in central Towson. This is the wrong kind of business to bring into this community and would represent a further deterioration of the downtown Towson area. Please think of the community especially impressionable teenagers before allowing a tattoo parlor to be established. Thank you.

Sincerely,

Jim Kirschner



620 Hastings Road  
Towson, MD 21286  
296-4593  
October 30, 1995

Lawrence Schmidt, Zoning Commissioner  
Old Court House  
400 Washington Avenue  
Towson, MD 21204

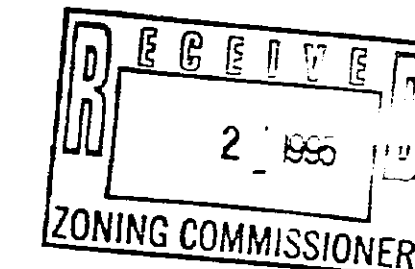
Dear Mr. Schmidt:

I refer to case 96-107SPH (ITEM 98). Please do not allow a tattoo parlor to come into Towson. Quite frankly I am ashamed of downtown Towson and will not allow my children to go there, especially on Friday and Saturday nights. The pool halls, erotic underwear store and several empty stores, including the old Hutzler's building, all give an air of seaminess to a once attractive business district. A tattoo parlor will only contribute to this tawdry atmosphere.

Thank you for your attention to my letter. I am counting on you to vote against the proposed tattoo parlor.

Sincerely,

Marianne Stokes  
Marianne Stokes



416 Coventry Place  
Towson, MD 21204  
October 30, 1995

Mr. Lawrence Schmidt  
Zoning Commissioner, Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Case No. 96-107SPH (Item 98)

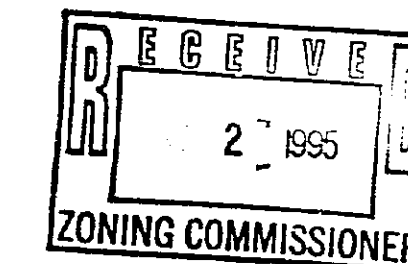
Dear Mr. Schmidt:

As a resident of Baltimore, I should like to strongly object to a tattoo parlor on York in Towson. As a resident concerned with needle transmission of Hepatitis and AIDS, I disapprove of such a "business" in Towson.

Establishment of this type of business in my community is not welcome. I urge that you not allow this to occur.

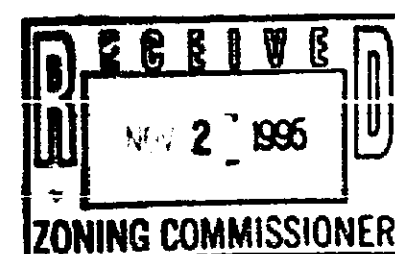
Very truly yours,

R. David Emery  
R. David Emery, M.D.



Young Commissioner Lawrence Schmidt  
Old Courthouse  
400 Washington Ave  
Towson, Md 21204

Mr. Schmidt



I am writing to oppose the proposal to permit a tattoo parlor in central Towson. The enterprise, "LVT Dermagraphics" seems inappropriate for this family & college area. As a resident of Towson, however, I believe the business will only add to the seaminess of that particular block and the demise of what could be a thriving downtown area.

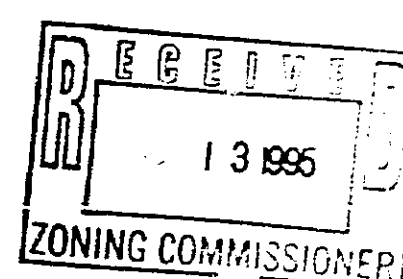
Central Towson is supported by family neighborhoods like Wilmette, Stoddard, W. Towson, etc. and could be an attractive place to shop if the real estate is used wisely. A tattoo parlor is not a core investment in our downtown. This real estate could be used for so many other appropriate businesses. Please do not allow the tattoo parlor.

Thank you  
Patricia A. Coen  
Towson, Md 21204

508 Wheaton Rd  
Towson, Md 21204

Towson, Maryland  
November 6, 1995

Re: Tattoo Parlor  
400 York Road



Zoning Commissioner of Baltimore County  
Towson, Maryland 21286

Dear Commissioner:

We oppose the tattoo parlor in the 400 block of York Road for the following reasons:

A. Such business will attract to the area drunks and prostitutes who traditionally patronize this establishment. Do we, as citizens of the county, want to promote the 400 block of York Road, one block from the seat of government, into an "East Baltimore Street block"?

B. In an unregulated business such as a tattoo parlor there is no safeguard or proof that absolute "sterile conditions" can be maintained on the second floor of 400 York Road. Furthermore, the disposal of needles and other contaminated materials will be unregulated and thereby create a health hazard in the area (refer OSHA regulations).

C. There can be no doubt in our minds that the presence of a tattoo business will attract more undesirable businesses such as pornographic stores, peep shows, etc.

We certainly do not want this image in the county seat of Baltimore County.

Yours truly,

Constant J. Georges  
Constant J. Georges

Nov 10, 1995

521 Yarmouth Road  
Towson, Maryland 21286  
October 30, 1995

VIA HAND DELIVERY

Lawrence E. Schmidt, Esquire  
Zoning Commissioner  
400 Washington Avenue  
Towson, Maryland 21204

Re: Special Hearing Petition  
416 York Road  
LVT Dermagraphics  
Item No. 98

Dear Mr. Schmidt:

This letter concerns my opposition to the special hearing request to permit a tattoo parlor to be located on the second floor of 416 York Road.

The proposed location is on York Road in the heart of the central Towson area and within the boundaries of the Towson Community Plan (adopted by the County Council on February 3, 1992). The location is also in the heart of Towson's Revitalization Area.

The State and County have invested and will invest great sums of money to enhance the York Road corridor. The clear intention of that investment is to encourage "quality" land use development which will increase the area's tax base and encourage future private capital investment.

Although the planned tattoo parlor is by no means the last nail in Towson's coffin, surely it is not a commercial use envisioned by economic development experts which will encourage quality commercial growth. It is also not a use which will promote the "health, security, ... orderly development and other aspects of the general welfare of the community" as required in B.C.Z.R. §100.1.

You, as Zoning Commissioner, are empowered with the authority to interpret the zoning regulations. Since a tattoo parlor is not a permitted use in the BMCT zone, (B.C.Z.R. §230 et. seq.) the applicant argues that the planned use is functionally equivalent to a barber or beauty shop. I disagree; while a barber shop or beauty salon has its main focus cutting and setting hair (a recurring need of the entire population) a tattoo parlor has as its main focus the permanent coloring of a

Lawrence E. Schmidt, Esquire  
October 30, 1995  
Page Two

person's skin (surely not a recurring need). A tattoo parlor does not fit any of the permitted uses in the Regulations and must be denied.

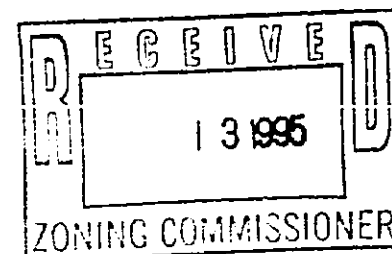
In short, this application affords the Zoning Commissioner the opportunity to deny a non-main stream business and thereby benefit overall community health and planned commercial development consistent with the intent of the zoning laws.

As a concerned resident of Towson, I encourage you to deny the request of LVT Dermagraphics.

Very truly yours,

Edward J. Gilliss

EJG:dif  
5647e/86



October 27, 1995

Lawrence E. Schmidt, Esquire  
Zoning Commissioner  
400 Washington Avenue  
Towson, Maryland 21204

Re: Special Hearing Petition  
416 York Road  
LVT Dermagrafix  
Item No. 98

Dear Mr. Schmidt:

This letter concerns my opposition to the special hearing request to permit a tattoo parlor to be located on the second floor of 416 York Road.

The proposed location is on York Road in the heart of the central Towson area and within the boundaries of the adopted Towson Community Plan (adopted by the County Council on February 3, 1992). The location is also in the heart of Towson's Revitalization Area.

It is clear to me that the State and County have invested and will invest great sums of money to enhance the York Road corridor. The express intention of that investment is to encourage "quality" land use development which will increase the area's tax base and encourage future private capital investment.

Although the planned tattoo parlor is by no means the last nail in Towson's coffin, surely it is not a commercial use envisioned by economic development experts which will encourage quality commercial growth. It is also not a use which will promote the "health, security, ... orderly development and other aspects of the general welfare of the community" as required in B.C.Z.R. §100.1.

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Lawrence E. Schmidt, Esquire  
October 27, 1995  
Page Two

while a barber shop or beauty salon has its main focus cutting and setting hair (a recurring need of the entire population) a tattoo parlor has as its main focus the permanent coloring of a person's skin. A tattoo does not fit any of the permitted uses in the Regulations and must be denied.

In short, this application affords the Zoning Commissioner the opportunity to deny a non-main stream business and thereby benefit overall community health and planned commercial development consistent with the intent of the zoning laws.

As a concerned resident of Towson, I encourage you to deny the request of LVT Dermagrafix.

Very truly yours,

*Martha DeNardi*

Lawrence E. Schmidt, Esquire  
October 27, 1995  
Page Two

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In short, this application affords the Zoning Commissioner the opportunity to deny a non-main stream business and thereby benefit overall community health and planned commercial development consistent with the intent of the zoning laws.

As a concerned resident of Towson, I encourage you to deny the request of LVT Dermagrafix.

Very truly yours,

*Robert S. Markwe, Jr.*  
3300 LAKESIDE CT  
TOWSON, MD 21204

Lawrence E. Schmidt, Esquire  
October 27, 1995  
Page Two

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In short, this application affords the Zoning Commissioner the opportunity to deny a non-main stream business and thereby benefit overall community health and planned commercial development consistent with the intent of the zoning laws.

As a concerned resident of Towson, I encourage you to deny the request of LVT Dermagrafix.

Very truly yours,

*Robert S. Markwe, Jr.*  
ROBERT S. MARKWE, JR.  
*Julia A. Markwe*  
JULIA A. MARKWE

Lawrence E. Schmidt, Esquire  
October 27, 1995  
Page Two

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In short, this application affords the Zoning Commissioner the opportunity to deny a non-main stream business and thereby benefit overall community health and planned commercial development consistent with the intent of the zoning laws.

As a concerned resident of Towson, I encourage you to deny the request of LVT Dermagrafix.

Very truly yours,

*Edwin and Jaye Crooks*  
518 Sussex Road  
Towson 21286

Martha DeNardi  
603 Sussex Road  
Towson, MD 21286  
November 10, 1995

Lawrence E. Schmidt, Esquire  
Zoning Commissioner  
400 Washington Ave.  
Towson, MD 21204

Re: Special Hearing Petition  
416 York Road  
LVT Dermagrafix  
Item No. 98

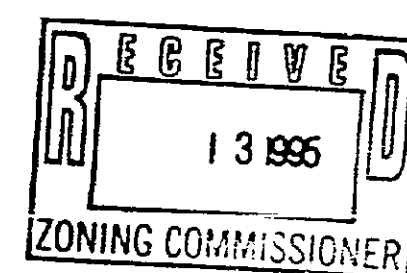
Dear Mr. Schmidt:

Attached, please find correspondence from residents of the Wiltondale community regarding our opposition to the above referenced Petition. At the October 25th hearing, you set a deadline for receipt of pertinent correspondence of November 10, 1995; unfortunately, when I attempted to deliver the letters today, I found that the Court House was closed in observance of Veterans' Day.

Please consider the attached 4 letters as you decide this important issue.

Very Truly Yours,

*Martha DeNardi*  
Martha DeNardi



505 Worcester Road  
Towson, Maryland 21286  
November 14, 1995

Lawrence E. Schmidt, Esquire  
Zoning Commissioner  
400 Washington Avenue  
Towson, Maryland 21204

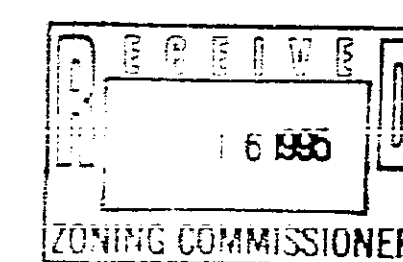
Re: Special Hearing Petition  
416 York Road  
LVT Dermagrafix  
Item No. 98

Dear Commissioner Schmidt:

I am writing to express my opposition to the above referenced petition. Certainly a tattoo parlor would be an undesirable addition to the Towson community, and if there is any legal basis upon which to deny the petition I would urge you to do so. Thank you for your consideration.

Sincerely,

*Kathleen Flynn Russell*  
Kathleen Flynn Russell



TOWSON BUSINESS ASSOCIATION  
23 West Chesapeake Avenue  
Towson, Maryland 21204  
(410) 825-1144  
FAX: 832-5863

The Honorable Lawrence Schmidt  
Zoning Commissioner, Baltimore County  
400 Washington Avenue  
Towson, MD 21204

RE: ZONING VARIANCE REQUEST - LVT DERMAGRAFIX  
CASE NO. 96-107-SPH

Dear Mr. Schmidt:

Thank you for the opportunity to submit this letter in response to Mr. Myers' application to operate a tattoo parlor at 416 York Road in Towson.

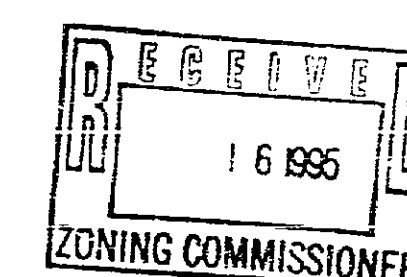
The Towson Business Association, a 280 member organization representing businesses and professionals that work and live in the Towson area voted at its September Board Meeting to oppose the establishment of Mr. Myers' business, or any tattoo parlors, within the Towson business district. The Board members oppose the proposed business on the grounds that the business is not consistent in character with the desired mix of businesses that has been discussed in the Towson Community Plan, and more importantly, because the business is not a permitted use as defined by the Baltimore County Zoning Regulations. Though Mr. Myers and his attorney tried to establish the facts that his business would be similar in nature to other businesses found in Towson, we feel they failed to establish any basis supporting their contention that a tattoo parlor, their primary business, should be permitted to operate in Towson.

We would be happy to discuss the matter further with you if you desire. We feel public input is important for you to consider in your decision and hope that you are able to fully understand our membership's and the greater Towson community's concern that this use not be allowed.

Sincerely,

TOWSON BUSINESS ASSOCIATION  
*Kenneth F. Mills, Jr.*  
Kenneth F. Mills, Jr.  
President

cc: Susan E. DiLorenzo, Esquire  
Michael P. Tanczyk, Esquire  
KFM/asm  
schmidt.le



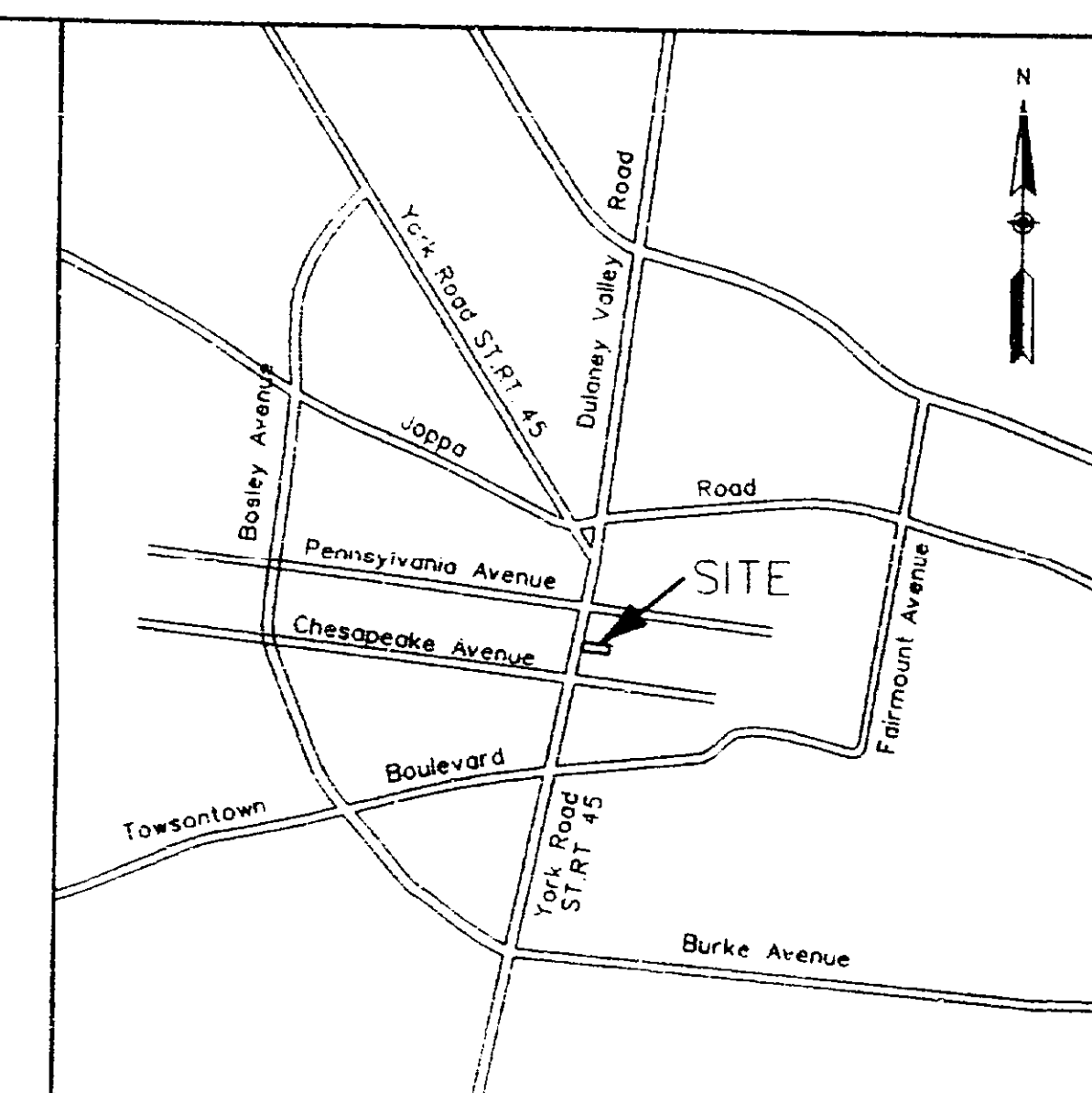
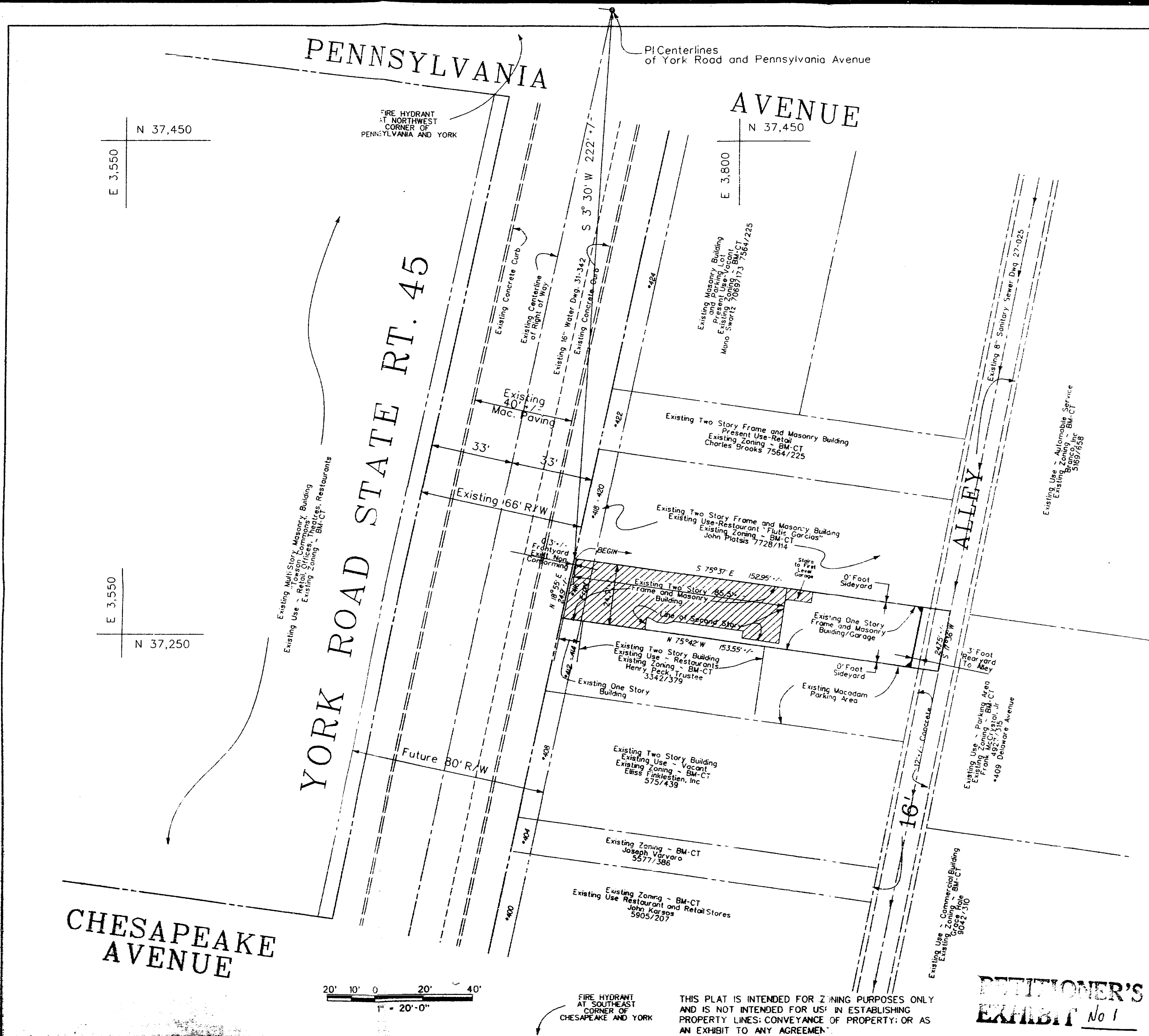












LOCATION MAP  
SCALE: 1" = 1,000'

#### SITE DATA

Grass area of site 0.11 acres +/-  
Includes 30' of York Road and 8' of Alley  
Net area of site = 0.09 acres +/-  
Existing zoning - BM-CT  
Present use - 1st Level - 3,200 sf +/- Retail with attached garage  
2nd Level - 1,650 sf +/- Vacant (formerly offices)  
Proposed use - 1st Level - same  
2nd Level - 1,650 sf Tattoo and Design Studio  
Floor area ratio - 1.11 existing (less than 5.5 permitted)  
Amenity open space  
Required Ratio 0.10 (10% of 4,850 sf or 485 sf)  
Provided: None provided, existing non-conforming  
Tax Account # - 0907410870  
Deed reference - 9823/687  
County Zoning District - 4  
Building height - 35 feet +/-  
Previous commercial permits - unknown  
Signage - None proposed at this time. All future signage to comply with Section 413 BC2A and all zoning sign policies.  
Public water and sanitary sewer facilities exist.

#### PARKING TABULATION

Parking Required for 2nd Level  
1. Spaces per 1,000 sf Personal Care Establishment = 6 spaces  
2. Parking Required = 6 spaces  
3. Parking Provided = 6 spaces  
4. Spaces in on-site garages: remaining 5 spaces in parking facilities  
5. Signed within 1,500 feet walking distance of the building entrance  
6. Within the CT District

#### NOTES:

The property outline shown hereon is approximate only, as compiled from deeds and tax records, and does not represent a boundary survey.  
The improvements are approximately 55 years old and pre-date the Baltimore County Zoning Regulations.  
The front yard setback and Amenity Open Space Ratio are non-conforming based on current regulations.

A Special Hearing is requested to determine if a Tattoo and Design Studio is permitted as a right in a BM-CT zone, as otherwise permitted under Section 233.1 BC 4. (See Section 230.9 Barber and beauty shops or residential art salon; and Section 230.10 and 230.11)  
--or alternatively--  
Section 233.2 printing, lithographing or publishing plant employing not more than 25 persons.

**MATIS WARFIELD, INC.**  
CONSULTING ENGINEERS  
4447 York Road, Suite 200  
Baltimore, Maryland 21207  
Phone (410) 577-7896  
Fax (410) 577-7667



#### OWNER

Janet Corfine Openheimer  
11825 Smokefree Road  
Potomac, Maryland 20854  
Lucille Corfine Cohen  
2331 Old Cow Road  
Baltimore, Maryland 21208

#### PETITIONER

LTY Dermagraphics, Inc.  
3709 Hillsdale Road  
Baltimore, Maryland 21207  
410-876-4625

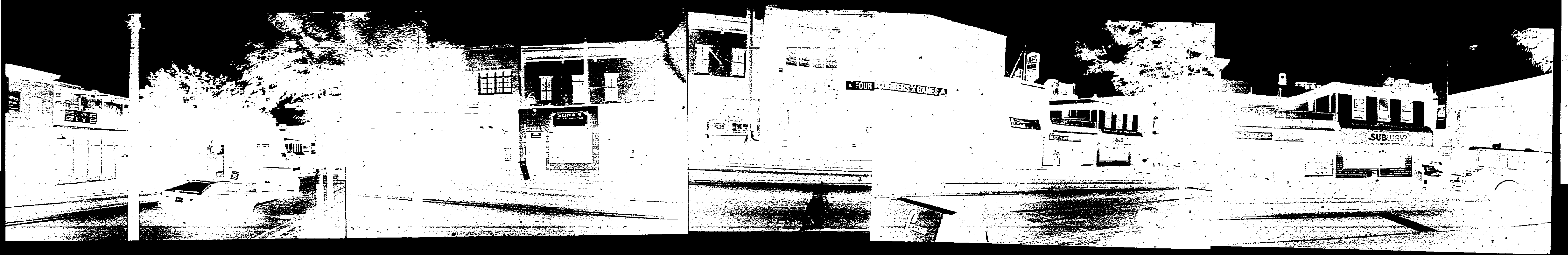
#### PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL HEARING NO. 416 YORK ROAD

BALTIMORE COUNTY, MARYLAND  
SCALE: 1" = 20'

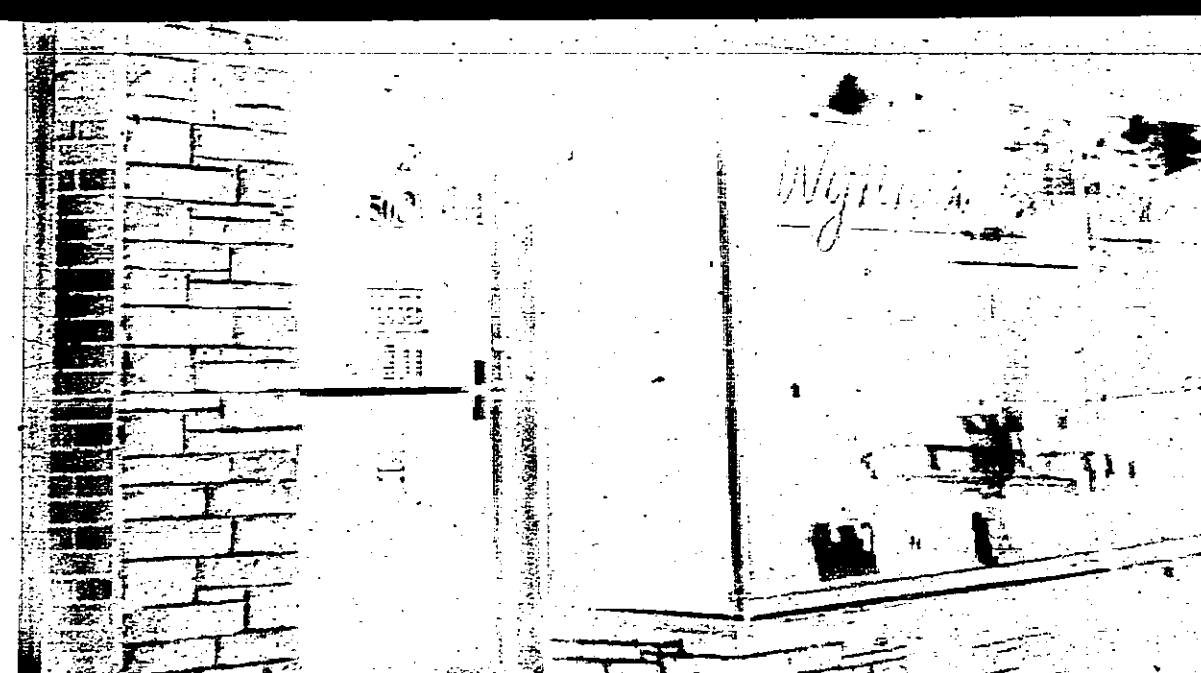
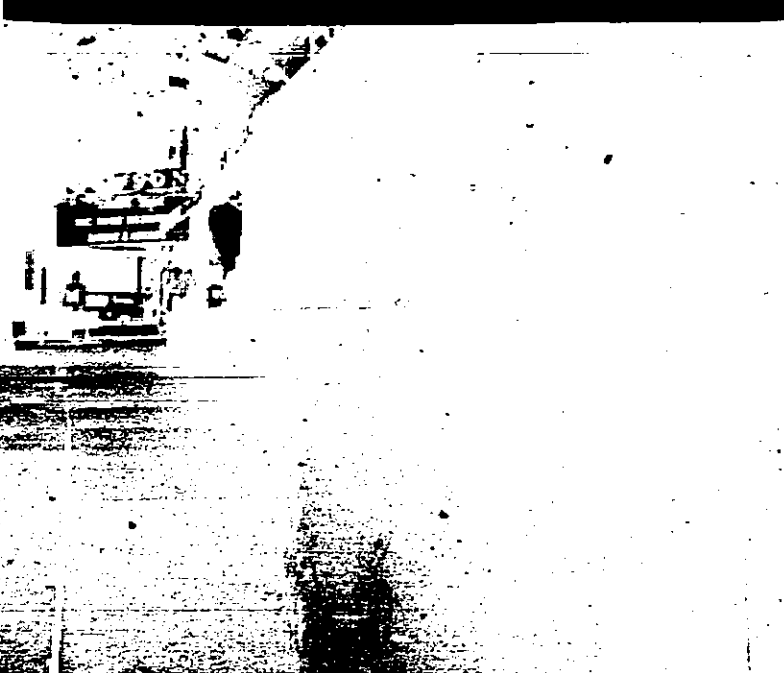
ELECTION DISTRICT NO. 9  
AUGUST 30, 1995



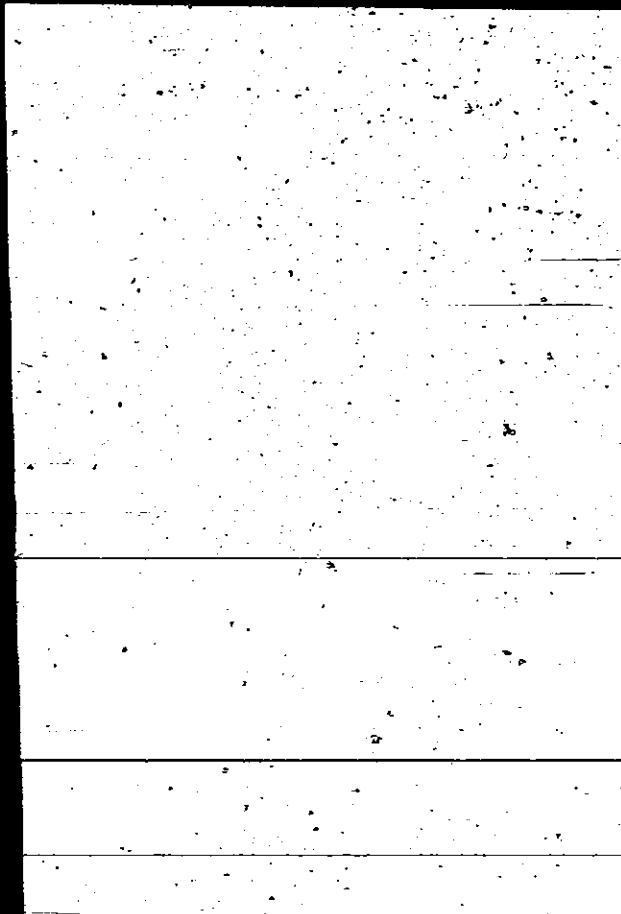
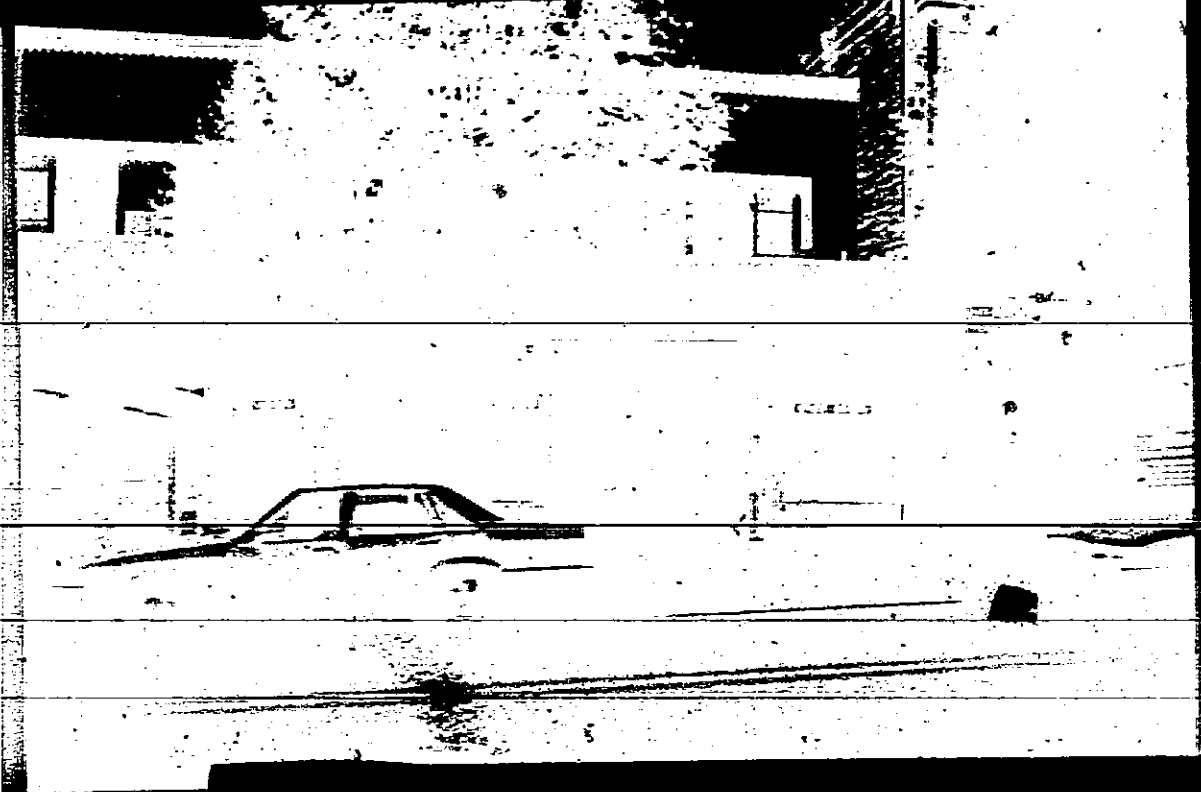
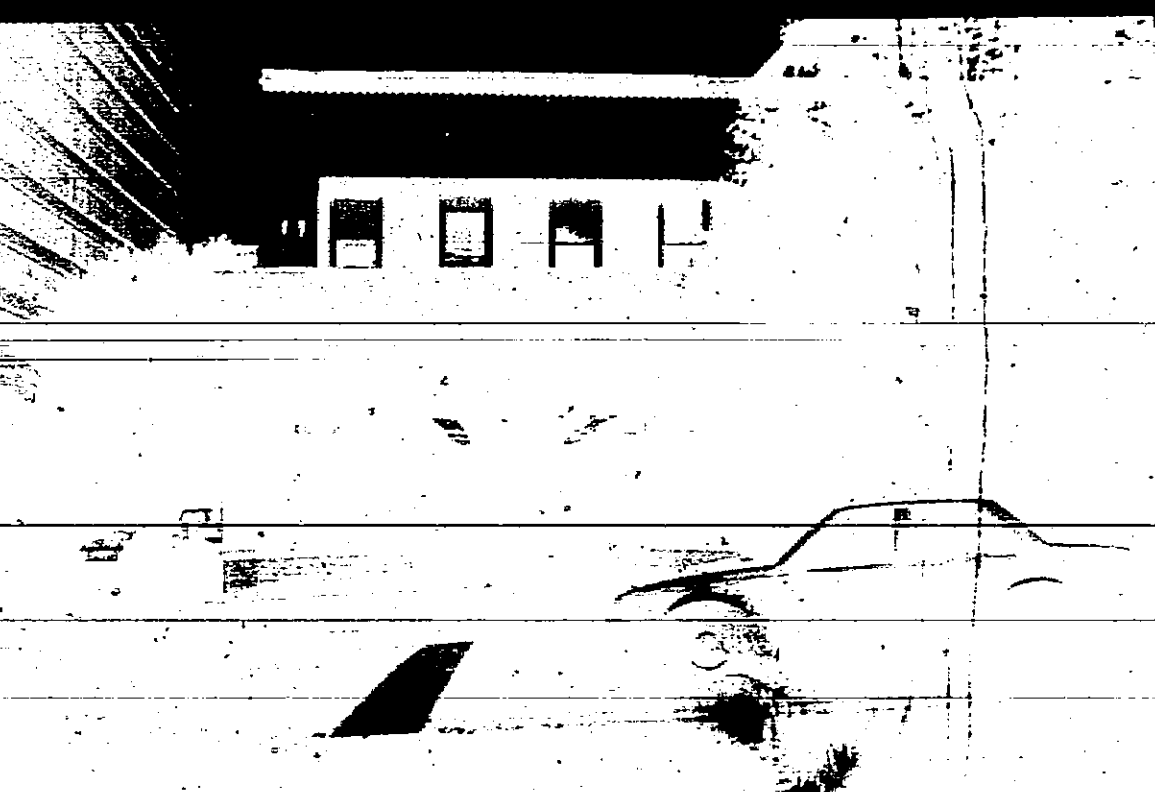
PETITIONER'S EXHIBIT # 19  
PHOTOGRAPHS TAKEN 10/6/95



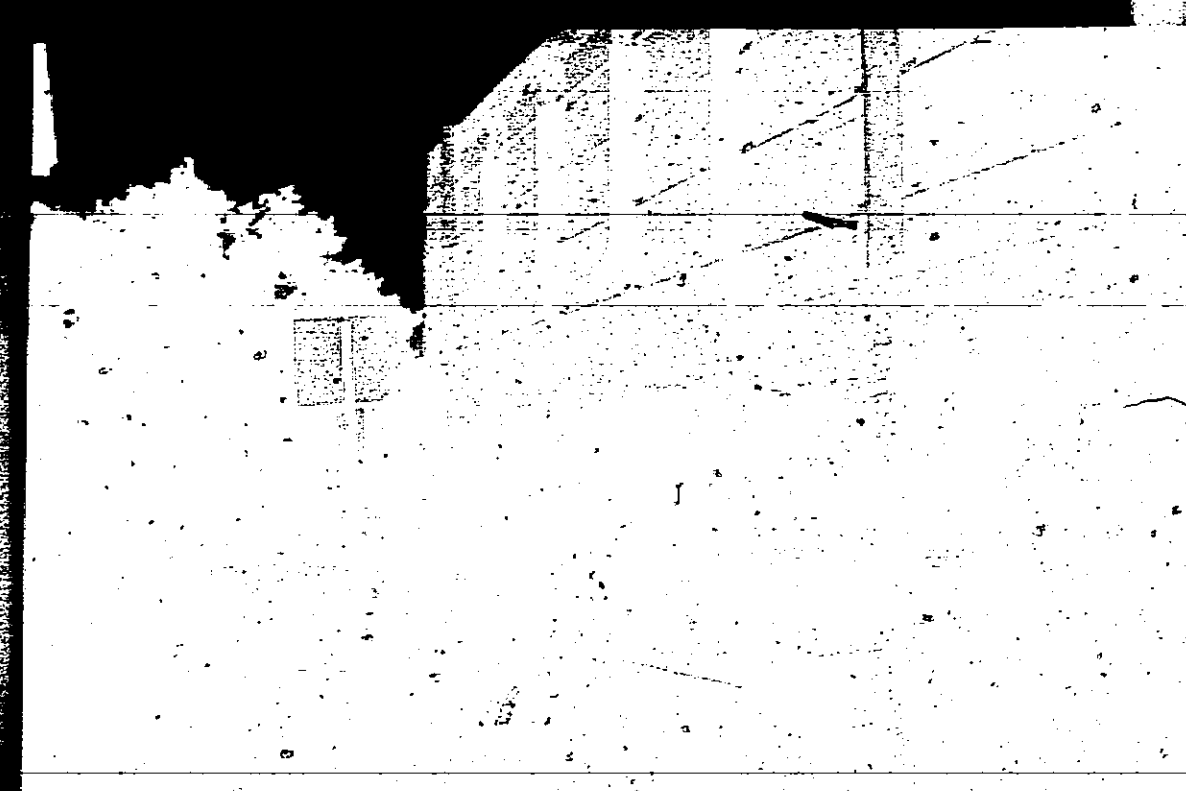
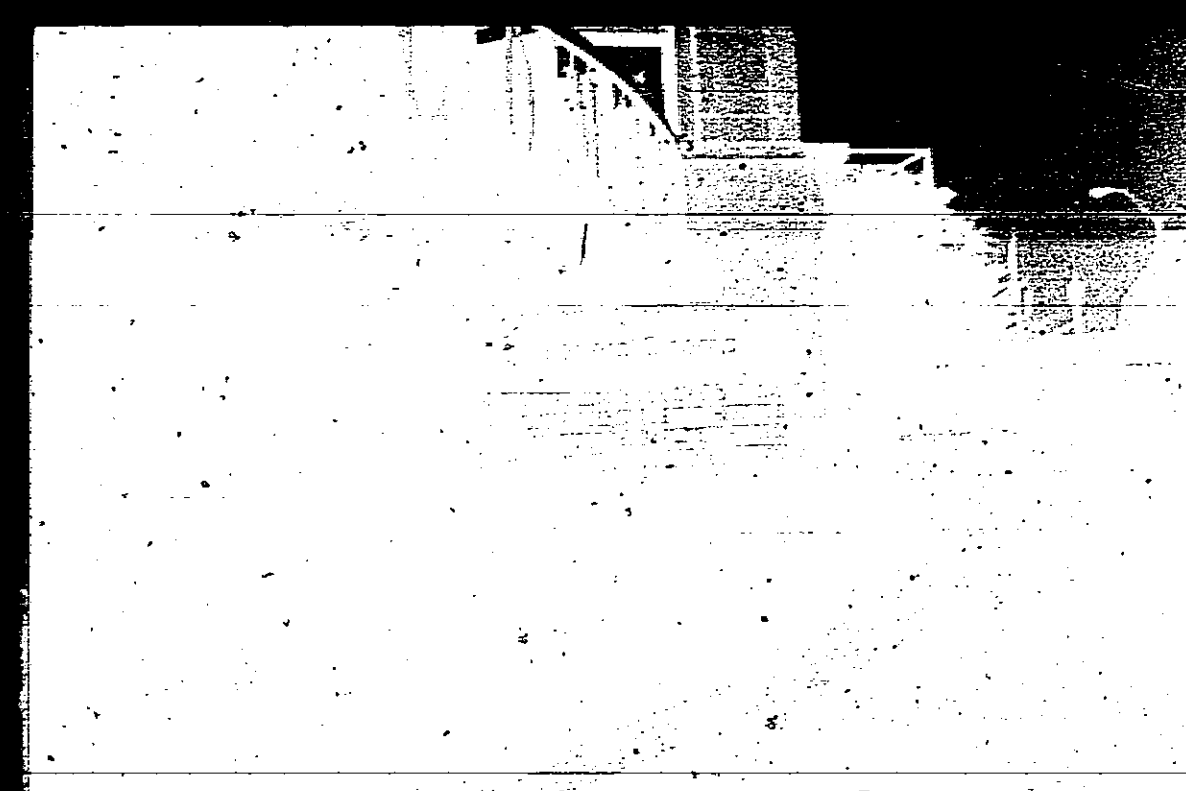
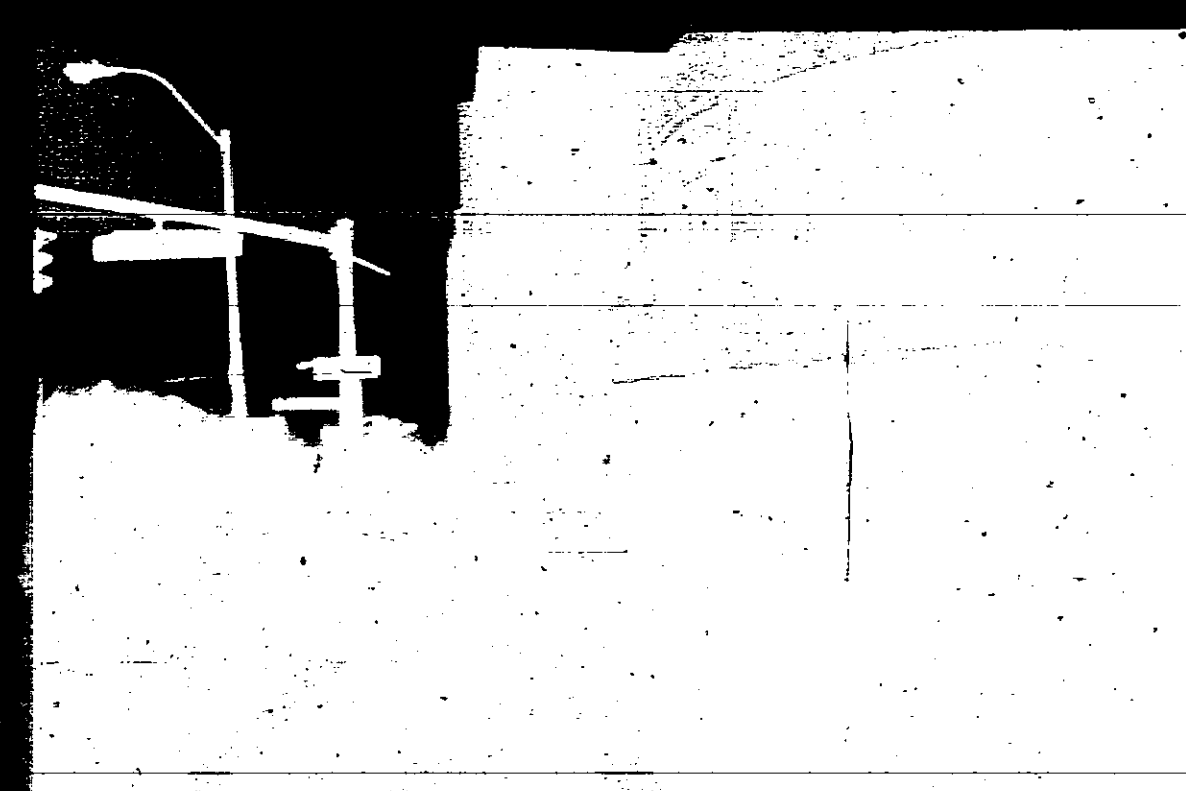
PETITIONER'S EXHIBIT # 20  
PHOTOGRAPHS TAKEN 10/6/95



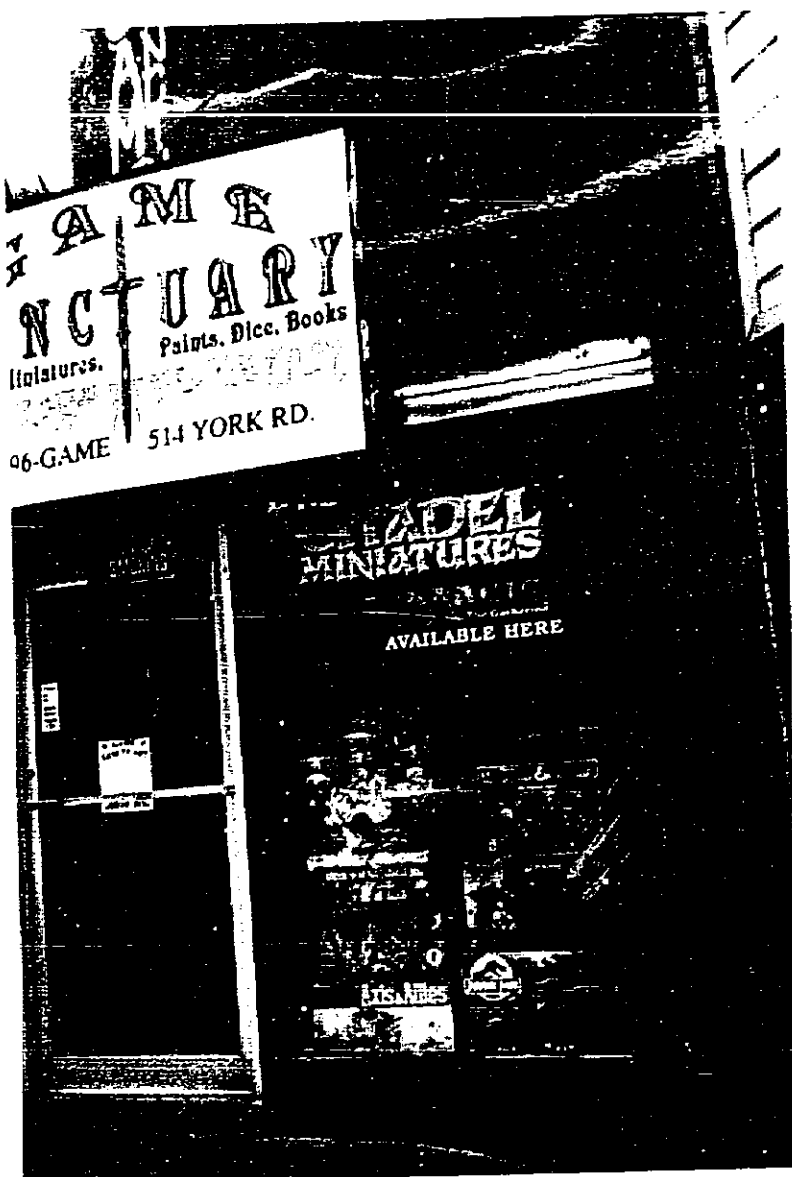
PETITIONER'S EXHIBIT # 21  
PHOTOGRAPHS TAKEN 10/6/95



PETITIONER'S EXHIBIT # 22  
PHOTOGRAPHS TAKEN 10/6/95







PETITIONER'S EXHIBIT #2  
PHOTOGRAPHS TAKEN 10/6/95



## TOWSON CENTER BUSINESS INVENTORY 400 and 500 BLOCK OF YORK ROAD

### East side of York Road starting at corner

- 400 Subway Restaurant
- Central Investigative Agency on 2nd floor
- 402 Flower shop
- 402 1/2 Love One's Boutique
- Door entry to 2nd floor of the Angels Grotto Pub for lease by the other tattoo parlor
- Angels Grotto Pub
- 404 IV Corners Games and Arcade (hours are till 12:00 a.m.)
- 406-410 County Restaurant
- 412 Soia's India House (lunch/dinner restaurant)
- 414 Door to 2nd floor which is recessed about 6", very narrow width door with a little
- 416 window above it. The second floor has 2 sets of double windows on the side of the brick facade and a side window facing downhill on the York Road is 3 single windows.
- 416 Townson Bootery Shoe Store
- 416 Flutie Garcia's Cantina Mexicana
- 418 Town and Campus Dry Goods and Fraternity Row (yellow & green building)
- 420 Old Mano Schwartz building is going to be a Hudson Trail Outfitters Limited

### next block

- Old Hutzler's building - Joppa and Dulany Valley Roads
- 500 PIP Printing downstairs on corner
- 500 Nations Bank with an ATM machine outside and adjacent to it a walk-up to the second floor serviced by the doors
- 502 Kent Lounge
- 508 Wynnrick Accessories Fine Leather Handbags
- 510 Towson Shoe Repair
- 512 Wangs Chinese Restaurant which is located adjacent to the old Towson Theater
- 514 Towson Theater has a sign up that says coming soon Recroom Billiards, Eatery and Arcade and is under renovation right now
- 516 The Game Sanctuary
- 516 Wings to Go
- 518 Roll on Style Short on Price Formal Affairs (tuxedo shop)
- is empty and vacant (has lease sign in window for Thornhill Properties 296-2877)
- 520 Kazem Importers of Persian Rugs (are at corner that faces Hutzler's and wraps around)
- Old Hutzler's building is the last structure on that side of street

PETITIONER'S  
EXHIBIT 3

## LVT Dermagraphix, Inc. Operating Code of Conduct

1. No one under eighteen (18) years of age is permitted in the tattoo shop without parent or guardian.
2. No one under eighteen (18) years of age will be tattooed or pierced unless a parental or guardian's request is made for a cover-up or touch-up.
3. No one, in the opinion of the shop proprietor, who appears to be under the influence of drugs or alcohol will be tattooed or pierced.
4. Unless a patron displays a photo ID issued by a State or Federal agency, then no tattoo will be given except for minors accompanied by parent or guardian who expressly give consent and furnish an ID for the parent or guardian.
5. The proprietor has established a policy whereby no hands, faces or feet are tattooed.
6. The proprietor will not perform any tattoos which, in the opinion of the proprietor, are racist or satanic or pornographic.
7. All tattoo artists employed by the proprietor have successfully completed blood-borne pathogen classes as well as preventative medical disease control classes as offered by the Alliance of Professional Tattooists. These classes have in the past been given by a medical doctor who is employed as the Chief Pathologist for the City of Atlanta, Georgia.
8. All equipment of the proprietor utilized in piercing or tattooing that touches the skin is either autoclave sterilized and/or disposable.
9. The proprietor reserves the right to refuse anyone a tattoo or piercing.

PETITIONER'S  
EXHIBIT No 4

Pat 4



DEPARTMENT OF THE ARMY  
HEADQUARTERS, FIRST UNITED STATES ARMY  
FORT GEORGE G. MEADE, MARYLAND 20755

AFRA-PA

9 February 1985

SUBJECT: Letter of Appreciation

Specialist Four Vincent Meyers  
217-58-9949

1. Upon my retirement, I would like to express my appreciation to you for the fine care you have provided me.
2. You have demonstrated outstanding technical ability in administering the various eye tests I required. Your accurate work served as a basis for the fine treatment I have been receiving. You should be very proud of your role as a member of the doctor-staff team treatment of patients.
3. Your unselfish attitude and interest in patients made the visits for treatment pleasant.
4. Thank you for going the second mile.

Donald B. Dixon  
LTC, GS

Pat 5A



DEPARTMENT OF THE ARMY  
US ARMY NONCOMMISSIONED OFFICERS ACADEMY  
DRILL SERGEANT SCHOOL, FORT KNOX  
FORT KNOX, KENTUCKY 40121

ATNCG

11 April 1983

SUBJECT: Noncommissioned Officers Education System Achievement

THRU: Command Sergeant Major  
Headquarters Fort George G. Meade  
Fort George G. Meade, MD 20755

TO: Specialist Four Vincent A. Myers  
217-58-9949  
USA MEDDAC  
Fort George G. Meade, MD 20755

1. While attending the Noncommissioned Officers Education System Course, Primary Leadership Course, Class B3-4, conducted at the US Army Noncommissioned Officers Academy/Drill Sergeant School, Fort Knox, Kentucky, during the period 11 February 1983 to 11 March 1983, you are commended for outstanding achievement.
2. During the above-cited period, you demonstrated qualities that ranked you in the top twenty percent of your class and admission to the Commandant's List. Your abilities, sense of responsibility, and devotion to duty are most worthy of recognition and reflect great credit upon yourself, the Noncommissioned Officer Corps, and the United States Army.
3. Your demonstrated abilities reflect the qualities demanded by the Noncommissioned Officers Corps to uphold the highest of standards in service to our great nation.
4. A copy of this correspondence is enclosed for insertion in your Official Military Personnel File.

John M. Stephens  
CSM, USA  
Commandant





DEPARTMENT OF THE ARMY  
US ARMY MEDICAL DEPARTMENT ACTIVITY  
FORT GEORGE G. MEADE, MARYLAND 20755

HSXR-CP

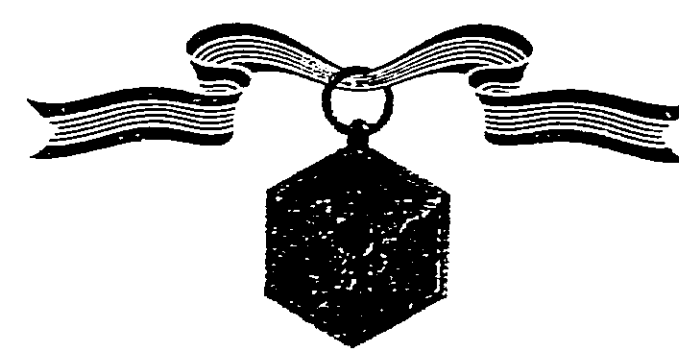
25 January 1984

SUBJECT: Letter of Appreciation, SP4 Vincent A. Myers, 217-58-9949

TO WHOM IT MAY CONCERN:

Specialist Four Vincent A. Myers was assigned to this Army Community Hospital from 13 August 1981 through 20 February 1984 as an Ophthalmology technician. During that period of time, he performed his duties in a superb manner. For the past year, he has been the Noncommissioned Officer in Charge in Ophthalmology and Optometry. Specialist Myers is a hard working, intelligent, dedicated soldier who would compliment any hospital staff.

*Charles A. Peck Jr.*  
CHARLES A. PECK, M.D.  
COL, MC  
Deputy Commander for Clinical Services



# DEPARTMENT OF THE ARMY

## THIS IS TO CERTIFY THAT THE SECRETARY OF THE ARMY HAS AWARDED

### THE ARMY COMMENDATION MEDAL

TO SPECIALIST FOUR VINCENT A. MYERS

For meritorious service while assigned to the EENT Service, Kimbrough Army Community Hospital, Fort George G. Meade, Maryland during the period 12 August 1981 to 25 July 1983. Specialist Four Myers distinguished himself with outstanding performance and responsive leadership. Specialist Four Myers' knowledge and experience in both technical and administrative functions, coupled with a natural aggressiveness and willingness to accept responsibility made him an invaluable asset to the operation of the EENT Service both in the clinic and operating room setting and contributed immeasurably to successful accomplishment of the mission. Specialist Four Myers' devotion to duty and professional competence is in keeping with the highest traditions of military service. Specialist Four Myers' performance of duty reflects great credit upon himself and the United States Army Medical Department Activity and the United States Army.

GIVEN UNDER MY HAND AND THE SEAL OF THE ARMY AT WASHINGTON, D.C.  
THIS 1st DAY OF October 1983

*Joe B. Hick*  
JOE B. HICK, M.D., Colonel, Medical Corps  
Commanding



*John M. Marshall Jr.*  
JOHN M. MARSHALL JR., Secretary of the Army



DEPARTMENT OF THE ARMY  
US ARMY MEDICAL DEPARTMENT ACTIVITY, FORT GEORGE G. MEADE  
FORT GEORGE G. MEADE, MARYLAND 20755

HSXR-SU

31 January 1984

SUBJECT: Letter of Recommendation for Specialist Four Vincent Myers

1. I have had the pleasure of working with SP4 Vince Myers in the Ophthalmology Clinic at Fort Meade, Maryland for the past year. He has consistently demonstrated a high level of intellectual ability. His capacity to master new skills and augment his fund of knowledge has been frequently demonstrated. He has developed expertise in managing patients, including performance of visual screening, applanation tonometry, Goldman visual fields, fundus photography and also as a surgical assistant. He is diligent and resourceful in accomplishing his various assignments.

2. SP4 Vince Myers would definitely be a great asset in any ophthalmological facility, whether in a clinic or hospital setting. I can strongly recommend him as a very capable and talented individual.

CF:  
Military Personnel Folder

*Brad R. Hobbs M.D.*  
BRAD R. HOBBS, M.D.  
CPT, MC  
Chief of Ophthalmology  
KACH, FGCM, MD 20755



DEPARTMENT OF THE ARMY  
US ARMY MEDICAL DEPARTMENT ACTIVITY, FORT GEORGE G. MEADE  
FORT GEORGE G. MEADE, MARYLAND 20755

HSXR-SU

7 February 1984

SUBJECT: Letter of Appreciation for Specialist Four Vincent A. Myers

To Whom It May Concern:

1. I have had the distinct pleasure of working with SP4 Vincent Myers in the Eye Clinic at Kimbrough Army Community Hospital where he served as an Ophthalmic Technician for more than two years. I have always found this young man extremely willing to accomplish clinical and military tasks with enthusiasm and expertise. He consistently demonstrated his capability of mastering new clinical skills and routinely performing visual screenings, applanation tonometry, visual field testings, fundus photography, and fluorescein angiography. He also has an unique concern and willingness to offer assistance in patient management. SP4 Myers has also demonstrated his leadership potential; setting a good example for his subordinates while in charge of the Optometry Clinic. His military, ethical, and moral standards are of the highest quality.

2. These unique qualities of SP4 Myers make him an invaluable asset; and these contributions reflect great credit upon himself and the United States Army.

3. A copy of this correspondence will be placed in his Official Military Personnel Folder.

*Stephen M. Stralka*  
STEPHEN M. STRALKA, O.D.  
CPT, MSC  
KACH, FGCM, MD 20755



May 17, 1995

To Whom It May Concern:

I have known Vincent Myers for over three years as a downtown Westminster business owner. During this time period, I have watched carefully as Mr. Myers developed his business from a one man sole proprietorship on the back lot of Main Street to a thriving shop with a busy full-time staff with store front exposure.

Mr. Myers may not have a "conventional" product but his product is undeniably growing in popularity in all segments of the population from professional adults to college students. As an arts administrator who runs a full-time successful non-profit gallery, I would additionally add that Mr. Myers takes a highly artistic approach to his work. Additionally, he has inspired other artists in developing a distinctive style of their own through internships.

Mr. Myers' approach to creating a unique style has won international and national awards in the tattoo industry which is a remarkable achievement. This is especially true when considering the fact that his base of operation is not a major urban center.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

*Hilary Hatfield*  
Hilary Hatfield  
Executive Director

Affiliated with:



Recreation & Parks  
Department  
of Carroll County

MARYLAND  
NONPROFIT  
CENTER

HHH/wm

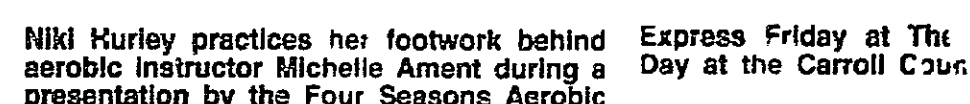
*Pet No 6*





## Scalping

35 cents



which had provided fun family entertainment to the area since 1954, Harry Moorfoot said Friday.

Staying at his son Larry's home in Hamstead, Moorfoot said while he cannot promise people that the rink will be rebuilt, he is making plans to see what can be done.

Please see Box A11

**Sunday Brunch**  
at  
**WIN'S WESTMINSTER**  
40 VILLAGE SHOPPING CENTER  
**10:00 A.M. - 2:00 P.M.**

**Experience The Delights Of Our Grand Buffet**

**Country Home - Home Cooked**  
Our Chef's Buffet featuring a variety of Home-made Casseroles  
Delicious Homemade Salad  
Assorted Desserts, Breakfast Favorites  
Gourmet Coffees and Eaux-de-Vie

**ALL FOR \$9.95**  
Children Under 12 - 5.95 Per Person  
Children Under 5 - FREE  
- VISA, M.C. & DISC. CARD HOLDERS ONLY - ACCEPTED -  
Morning Drinks and Soft Drinks Available  
**RESERVATIONS SUGGESTED**

**For More Information**  
**876-1500 or 848-1000**



facilities were on hand or would be provided to provide a residence on the second floor for 416 York Road for an employee of the business, if that were required in order to meet the requirements of any Zoning Regulation definition.

The Petitioners also submitted a copy of the Towson Community Plan adopted by the County Council February 3, 1992 and furnished a copy of the prior decision of the Zoning Commissioner in Case Number 93-260-SPH as well as the listings from the Bell Atlantic Greater Baltimore Metropolitan Area, November 1994 through October 1995, for beauty salons and tattooing to demonstrate the existing shops in Baltimore County. Mr. Myers offered testimony that in certain beauty shops in Baltimore County cosmetic tattooing, which he defined as installation of permanent colored makeup for eyeliner, lip liners, or eyebrows, was currently offered in Baltimore County, which would be installed in the same manner as his tattoos, albeit with perhaps less artistic design.

He further testified that not only beauty shops as an accessory function but also stand alone nail salons, some of which were located in the Towson-York Road corridor, provided the application of art design on nails similar to the designs proposed by him to be installed via tattoo.

Finally, Petitioners offered excerpts from two different encyclopedias on tattooing, demonstrating the length of time tattooing has been done and the breadth of the portions of the

earth where tattooing is done, virtually around the world.

He further offered dictionary definitions for beauty and beauty shops, lithographing, and printing shops, as well as print. Mr. Myers offered anecdotal testimony concerning the historical location of tattoo parlors within or next to barber shops.

#### Issues For Decision

Do the proposed uses comport with uses permitted of right in a BM-CT zoned district by function as defined in the Baltimore County Zoning Regulations, alone or in combination; as a corollary, do the uses proposed comport with other uses defined and permitted in BM-CT districts in accordance with custom and practice and prior decisions of the Zoning Commissioner for Baltimore County.

#### Argument

The issue squarely presented for determination by the Zoning Commissioner is whether the requested uses of the Petitioners for the functions proposed to be done comport exactly with permitted uses of right within the zone in question, in this case BM in a CT district for town center, where the Baltimore County Zoning Regulations definitions, Section 101, does not define a word or term when that same section at its beginning provides that "...such words shall have the ordinarily accepted definition as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged, per Bill 149 (1987)."

A residential art salon is defined in the Zoning Regulations. However, neither a "...beauty or barber shop; or printing, lithographing or publishing plant employing less than 25 individuals..." are defined in the Zoning Regulations.

The answer to the question raised requires interpretation of the Zoning Regulations to see if uses permitted of right in the BM-CT zone and district are similar in type and function to those proposed by the Petitioners for a use not therein defined.

Professor Anderson, in the American Law of Zoning, Section 12.02, "Maxims of Construction", states:

"Zoning ordinances 'are in derogation of the common law and operate to deprive an owner of property of a use thereof which would otherwise be lawful, and should be strictly construed in favor of the property owner.' This statement of the rule, or some variation of it, is widely accepted and frequently repeated and applied in zoning litigation.<sup>3</sup> In its simplest and most literal application, the rule of strict construction leads the court to a very narrow construction of a word or phrase used to describe a use which is prohibited in a particular zoning district. Where, for example, a zoning ordinance proscribed the use of land for a 'cement' mixing plant, the Supreme Court of Pennsylvania held that a 'concrete' mixing plant was not a prohibited use. Replying to the municipality's argument that the general public did not distinguish between cement and concrete, the court said:

'In so specific a writing as a municipal ordinance, words are to be taken at their lexicographical value and not as they appear in the umbrage of slovenly colloquialisms.'<sup>4</sup>

<sup>3</sup> Little Rock v. Andres, 237 Ark 658, 375 SW2d 370 (1964).

<sup>4</sup> Zoning laws which curtail and limit uses of real property, must be given a strict construction, since they

are in derogation of common law rights, and their provisions may not be extended by implication." Alrequist Mfg. Co. v. Gardner, 235 NYS2d 610 (1962, Sup).

<sup>3</sup> Robinson v. Lintz, 101 Ariz 448, 420 P2d 923 (1966); Kubby v. Hammond, 68 Ariz 17, 198 P2d 134 (1948); Moffat v. Forrest City, 234 Ark 12, 350 SW2d 327 (1961); Jones v. Board of Adjustment, 119 Colo 420, 204 P2d 560 (1949); 410 East 102nd Street Corp. v. Murdock, 285 NY 298, 34 NE2d 329 (1941); DeMarco v. Fitzgerald, 20 Misc 2d 457, 190 NYS2d 939 (1959); rev'd on other grounds 10 App Div 2d 887, 201 NYS2d 214, rev'd on other grounds 11 NY2d 775, 227 NYS2d 24, 181 NE2d 767; Cauvel v. Tulsa, 368 P2d 660 (1962, Okla); Lane County v. R. A. Heintz Constr. Co., 228 Or 152, 364 P2d 627 (1961); Cleaver v. Board of Adjustment, 414 Pa 367, 200 A2d 408 (1964); Peterson v. Zoning Board of Adjustment, 412 Pa 582, 195 A2d 523 (1963); Fidler v. Zoning Board of Adjustment, 408 Pa 260, 182 A2d 692, 97 ALR2d 697 (1962); Thomas v. Zoning Board of Adjustment, 241 SW2d 955 (1951), Tex Civ App; Murphy Motor Sales, Inc. v. First Nat. Bank, 122 Vt 121, 165 A2d 341, 82 ALR2d 985 (1960); Pearson v. Evans, 51 Wash 2d 574, 320 P2d 300 (1958); Missionaries of Our Lady of La Salette, 267 Wis 609, 66 NW2d 627 (1954).

<sup>4</sup> Peterson v. Zoning Board of Adjustment, 412 Pa 582, 195 A2d 523 (1963).

It must be undisputed that tattooing antedates any known zoning ordinances in Baltimore County, or presumably the world, since tattooing has been dated back to examples of tattoos, usually depicted or discovered thousands of years B.C.

As Professor Anderson points out, zoning is permitted as an exercise of the police power and there is no fundamental objection to zoning laws and ordinances so long as they are reasonable in their scope and operation and applied without unnecessary discrimination. City of Baltimore v. Cohn, 204 Md 523, 105 A2d 482 (1954).

Further, zoning ordinances or regulations concerned with the use of property and not with the ownership thereof, or with the purposes of the owners or occupants. City of Baltimore v. Poe, 224 Md 428, 168 A2d 193 (1961).

Zoning should never be allowed or disallowed on the basis of a plebiscite of the neighborhood. Neuman v. City of Baltimore, 23 Md.App. 13, 325 A2d 146 (1974). Quinn v. County Commissioners of Kent County, 20 Md.App. 413, 316 A2d 525 (1974).

Further, distinctions have been and should be drawn between master plans and comprehensive zoning in interpreting permitted uses. Howard County v. Dorsey, 292 Md 351, 438 A2d 1339 (1982).

As the Zoning Commissioner properly noted at the time of the hearing, assuming arguendo, that there was something in the Towson Community Plan as enacted by the County Council in 1992 having to do with any of the proposed uses, that would be of secondary or no import or assistance to him where the issue before him was simply a determination of whether the uses requested were permitted in the zone and district of BM-CT for the functions proposed. Board of County Commissioners of Cecil County v. Gaster, 285 Md 233, 401 A2d 666 (1979).

To deal with a comparative analysis of the functions proposed, there were several proposed by the Petitioners. The first involved the artistic design, development and creation of

works of art. Those are done and permitted in residential art salons, art studios, and are prominently displayed up and down the York Road corridor as works of art in various book stores, craft and art collectible stores. Second, the production by printing or lithography of faithful replications to create commercial "flash" for display or resale is clearly a printing and production function, and the Petitioner presently utilizes one of the many vendors of that service right in the town center of Towson on Chesapeake Avenue just west of York Road.

By reviewing the inventory of existing uses up and down York Road, as well as those located within a block to the East and West, Print-O-Stat, Sir Speedy, Kinko's and Towson Copy Service all offer the same type of reproductive and printing services which form one component of the Petitioner's proposed business at this site.

The application of artistic design to parts of the body are routinely done at nail salons and beauty salon, either directly or as an accessory use, and those are located in the town center on Chesapeake Avenue as well as York Road.

Further, the rebutted, unrefuted and indisputable testimony of the Petitioner was that within Baltimore County in beauty salons cosmetic tattooing is presently being done for eyeliner, eyebrow definition, as well as lip definition; and that those applications are done with the same techniques as he would

utilize to do a tattoo. The piercing function is and has been done at jewelry stores which sell earrings, nose rings, etc.

He further testified that historically tattoo artists were co-located with barber shops.

Therefore, and in keeping with long time County custom within the office of the Zoning Commissioner, where uses requested are not separately or specifically defined in the Zoning Regulations, the Zoning Commissioner's office has looked to the use or function in accordance with the legal authority aforesaid and has been mindful of the limitations on zoning in derogation of the common law right which favors the use of property to interpret the regulations to carry out the comprehensive scheme intended by the legislature.

The next point to be made is that, while residential art salons are permitted in numerous zones, in the absence of a specific provision to the contrary, generally zoning districts having less restricted uses permit uses of the more restricted use districts. Marin v. Mayor & Aldermen of Annapolis, 248 Md 351, 237 A2d 728, 49 ALR 3d 1138 (1968). As applied, by example, a use such as residential art salon subject to Baltimore County Zoning Regulations, Section 402, when proposed for residential zones are permitted of right in more intense BL or BM zones.

Where the legislature has acted to exercise the zoning authority as a police power to require the elimination of a

particular use within a time certain subsequent, those specific actions have been upheld where the evidence sustained a finding that junk yards were incompatible uses within residentially zoned areas. Shifflett v. Baltimore County, 47 Md 151, 230 A2d 310 (1967). In that case the Court of Appeals found that, "...junk yards are not a nuisance per se and the use of property for such purpose is not in itself unlawful." Shifflett (supra) at 312.

The legislation enacted by the Baltimore County Council proscribed the continued location and operation of junk yards in residential zones and the Court of Appeals found significant that under the existing zoning regulations junk yards were separately permitted under more intense use zones, V12, manufacturing heavy zones by special exception, at the time. Shifflett (supra) at 314.

The significance of that decision to the issue before the Commissioner in this case is that there are no state or federal or local laws proscribing or prohibiting tattoo art and design studios as permitted uses in any zone. Because such shops antedate the imposition of any scheme of comprehensive zoning with designation of uses by zone is significant not only that the legislature has not seen fit to act, but is further significant since the Zoning Commissioner has previously found such a use to be in accordance with the definition of a residential art salon in the case of Gypsy Tattoo Parlor, which was located in a less intense zone, a BL-CS1, than BM-CT, in Case Number 93-260-SPH, the request of the





# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at  
CHADWICK MANOR SHOPPING CENTER  
Southeast Corner of Security Boulevard and  
Brookdale Road  
which is presently zoned BL-CNS  
DR. 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)  
SEE ATTACHED SCHEDULE "A"

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) The property and/or improvements thereon are unique and without the requested variances, the subject property is not capable of being developed as contemplated, thereby creating practical difficulty or hardship with regard to developability. The granting of this variance will not result in injury to public health, safety or welfare.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Signature of Petitioner  
Signature of Zoning Commissioner  
Signature of Attorney for Petitioner  
Signature of Legal Owner

Michael E. Marino, Esquire  
609 Bosley Avenue (410) 821-6633  
Towson, Maryland 21204

ORDER RECEIVED FOR FILING  
Date 11/15/95  
By [Signature]



## CHADWICK MANOR SHOPPING CENTER

### VARIANCES

- VARIANCE FROM SECTION 409.2.b. (3) (4), (5), & (6) (BCZR 1955, BILL NO. 18-76) TO PERMIT 721 PARKING SPACES IN LIEU OF 911 PARKING SPACES REQUIRED.
- VARIANCE FROM BCZR - SECTION 413.2.E. TO PERMIT TWO SHOPPING CENTER I.D. SIGNS, AS FOLLOWS:
  - ONE EXISTING DOUBLE-FACED SIGN, 360 SQUARE FEET IN LIEU OF 150 SQUARE FEET ALLOWED (SIGN 'A').
  - ONE EXISTING DOUBLE-FACED SIGN, 160 S.F. IN LIEU OF 150 SQUARE FEET ALLOWED, LOCATED ACROSS FROM A RESIDENTIALLY ZONED TRACT, NOT LOCATED ON AN OFFICIALLY RECOGNIZED THOROUGHFARE (SIGN 'D').
- VARIANCE FROM BCZR - SECTION 413.2.F. TO PERMIT THREE (3) "OTHER BUSINESS SIGNS" THAT TOTAL 420 SQUARE FEET IN LIEU OF THE TOTAL 100 SQUARE FEET PERMITTED IN A BUSINESS ZONE, AS FOLLOWS:
  - ONE EXISTING DOUBLE-FACED SIGN, 140 SQUARE FEET (SIGN 'B').
  - ONE PROPOSED DOUBLE-FACED SIGN, 140 SQUARE FEET (SIGN 'O').
  - ONE PROPOSED DOUBLE-FACED SIGN, 140 SQUARE FEET (SIGN 'P').
- VARIANCE FROM BCZR - SECTION 413.1.E. TO PERMIT FOUR (4) DIRECTIONAL SIGNS WHICH EXCEED 15 SQUARE FEET EACH IN SIZE, CONTAINING ADVERTISING MATTER, AND THREE (3) OF WHICH ARE ILLUMINATED, AS FOLLOWS:
  - ONE EXISTING SINGLE-FACED ILLUMINATED 36 SQUARE FEET SIGN (SIGN 'E').
  - ONE EXISTING SINGLE-FACED ILLUMINATED 32 SQUARE FEET SIGN (SIGN 'F').
  - ONE EXISTING DOUBLE-FACED ILLUMINATED 36 SQUARE FEET SIGN (SIGN 'G').
  - ONE EXISTING DOUBLE-FACED NON-ILLUMINATED 23 SQUARE FEET SIGN (SIGN 'H').

ORDER RECEIVED FOR FILING  
Date 11/15/95  
By [Signature]

March 15, 1995

## CHADWICK MANOR SHOPPING CENTER DESCRIPTION TO ACCOMPANY ZONING PETITION (for Zoning Purposes Only)

- Beginning at a point approximately 55 feet north of the intersection of Newcastle Road and Fairbrook Road, thence running the following twenty (20) courses and distances:
- South 84°21'40" West, 35.33 feet, more or less, to a point; thence,
  - North 50°41'30" West, 95.00 feet, more or less, to a point; thence,
  - 282.74 feet curving to the left, having a radius of 180.00 feet, more or less, to a point; thence,
  - South 39°18'30" West, 171.89 feet, more or less, to a point; thence,
  - 47.84 feet curving to the right, having a radius of 168.85 feet, more or less, to a point; thence,
  - North 34°27'30" West, 121.46 feet, more or less, to a point; thence,
  - North 86°57'00" West 62.39 feet, more or less, to a point;
  - North 59°21'50" West 175.00 feet, more or less, to a point;
  - North 30°38'10" East 123.54 feet, more or less, to a point;
  - North 07°06'00" West 105.55 feet, more or less, to a point;
  - 344.88 feet, curving to the left, having a radius of 290.00 feet, more or less, to a point; thence,
  - North 14°45'40" East 223.61 feet, more or less, to a point;
  - South 75°14'20" East 175.00 feet, more or less, to a point;

Page 2  
CHADWICK MANOR SHOPPING CENTER  
DESCRIPTION TO ACCOMPANY ZONING PETITION  
(for Zoning Purposes Only)  
March 15, 1995

- North 14°45'40" East 160.00 feet, more or less, to a point;
  - South 75°14'20" East 468.94 feet, more or less, to a point;
  - 214.43 feet, curving to the right, having a radius of 239.00 feet, more or less, to a point; thence,
  - South 14°44'40" East 63.52 feet, more or less, to a point;
  - South 75°15'20" West 172.05 feet, more or less, to a point;
  - South 16°04'00" East 245.34 feet, more or less, to a point;
  - 346.43 feet, curving to the left, having a radius of 735.00 feet, more or less, to the point of beginning.
- Containing approximately 14.09 acres, more or less.



## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 10/15/95  
Posted for: Chadwick Manor Shopping Center  
Petitioner: Michael E. Marino, Esquire  
Location of property: S/S Security Blvd - W/S Rolling Rd.  
Location of Sign: Corner of S/S Security Blvd and W/S Rolling Rd.  
Remarks: [Signature]  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 10/13/95  
MICROFILMED

## CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/24, 1995  
THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN.

A. Henrichson  
LEGAL AD. - TOWSON

MICROFILMED

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
  - Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]  
ARNOLD JADLON, DIRECTOR

#### For newspaper advertising:

Item No.: 96  
Petitioner: Chadwick Manor Shopping Center  
Location: corner of South side of Security Blvd, West side of Rolling Road  
PLEASE FORWARD ADVERTISING BILL TO:  
NAME: Michael E. Marino, Esquire  
ADDRESS: 609 Bosley Avenue  
Towson, MD 21204  
PHONE NUMBER: (410) 821-6633

AS-998

(Revised 04/09/93)

MICROFILMED

TO: JEFFERSON PUBLISHING COMPANY  
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

Michael E. Marino, Esq.  
609 Bosley Avenue  
Towson, MD 21204  
821-6633

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-106-1A (Item 96)  
Chadwick Manor Shopping Center  
corner S/S Security Boulevard and W/S Rolling Road  
1st Election District - 1st Councilmanic  
Legal Owner: Chadwick Manor Shopping Center  
HEARING: MONDAY, OCTOBER 23, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Exception to permit 4 outdoor advertising signs in a B.L. zone.  
Variance to permit 721 parking spaces in lieu of 911 parking spaces required; to permit two shopping center I.D. signs: one existing double-faced sign, 360 square feet in lieu of 150 square feet allowed (Sign "A") and one existing double-faced sign 160 square feet in lieu of 150 square feet allowed, located across from a residentially zoned tract, not located on an officially recognized thoroughfare (Sign "D"); to permit three other business signs that total 420 square feet in lieu of the total 100 square feet; one existing double-faced sign 140 square feet (Sign "B"); one proposed double-faced sign 140 square feet (Sign "O"), and one proposed double-faced sign 140 square feet (Sign "P"); and to permit four directional signs which exceed 15 square feet each in size, containing advertising matter, and three of which are illuminated: one existing single-faced illuminated 36 square feet sign (Sign "E"), one existing single-faced illuminated 32 square feet sign (Sign "F"), one existing double-faced illuminated 36 square feet sign (Sign "G"), and one existing double-faced non-illuminated 23 square feet sign (Sign "H").

LAWRENCE E. SCHWARTZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILING AND/OR HEARING, PLEASE CALL 887-3353.















Petitioners in this case to locate this use in the most intense retail use district within the town center of Towson raises the following obvious question of: If the statutes are to be narrowly construed and interpreted as urged by the Protestants for the protection of residentially zoned communities beyond the town center, where, if not in the town center, would such a use be properly allowed?

The Court of Appeals dealt with the issue raised by the lessor and lessee of a commercial property in which a board of appeals determined that the present truck use violated a county zoning ordinance. The circuit court reversed the determination of the board of appeals, which judgment was subsequently vacated by the Court of Appeals in Miller v. Pinto, 305 Md 396, 504 A2d 1140 (1986). The use in that case was as a trucking business or facility and an approval had been issued to the landowners and lessee by the zoning authorities. The board of appeals, on objection of a neighbor, found that the petitioner's operation was tantamount to a truck and transfer terminal which was specifically permitted only in the enumerated LI2 district and not in a C1 zoning district where the petitioner's property was located. In deciding that case the Court of Appeals found significant the permit to conduct that use in another zone in determining that the board of appeals had not erred in finding that it was a prior erroneous interpretation by the zoning authorities in advising the

petitioner originally that the use could be conducted in a C1 district.

In a similar vein, the issue of protests brought by property owners who sought to prohibit the operation of a home for mentally retarded adults, which had been previously utilized as a nursing home and as a non-conforming use in Baltimore City, was dealt with in the case of Kastendike v. Baltimore Association for Retarded Children, 267 Md 389, 297 A2d 745 (1972). In its finding the Court of Appeals repeated the general presumption that:

"The general presumption is that all statutes or ordinances are to be given prospective application unless the manifest intention of the enacting body was to the contrary. Unsatisfied Fund v. Bowman, 249 Md 705, 708, 241 A.2d 714 (1968). As we said in Tax Comm. v. Power Company, 192 Md 111, 116-117, 32 A.2d 382, 384 (1943):

"Laws are generally enacted to regulate future conduct and establish the basis upon which rights are thereafter to be predicated; they are not usually designed to change the legal relation of closed transactions, especially if the change would interfere with antecedent rights. It is well settled that a statute will not be given a retrospective operation, unless its words are so clear, strong, and imperative in their retrospective expression that no other meaning can be attached to them, or unless the manifest intention of the Legislature could not otherwise be gratified." Kastendike (supra) at 749.

Finally, in Kowalski v. Lamar, 29 Md.App. 493, 334 A2d 536 (1975), the issue in Baltimore County was whether an adjoining landowner was violating zoning regulations by operating a commercial fishing business in a boatyard in a residential zone.

The Court of Special Appeals found that any use other than those permitted by zoning ordinance and being carried on as of right or by special exception is prohibited. They referred to the uses permitted in the Zoning Regulations for Baltimore County at the time and found that the uses complained of constituted neither a marina nor a boatyard nor a commercial business nor a trade use.

Applying that rationale and analysis to the facts of this case, it is clear that upon a fair consideration of the functions proposed by Mr. Myers at this site, all of the uses, including body piercing for purposes of jewelry which are done at jewelry stores in commercial districts, as well as the other functions, presently exist under different names in the BM zone and CT district surrounding the site.

The dictionary defines beauty as: (2) a beautiful person or thing; (4) a particularly graceful, ornamental or excellent quality. The dictionary defines lithograph as to produce, copy or portray by lithography which itself is defined as the process of printing from a plane surface (as a smooth stone or metal plate) on which the image to be printed is ink receptive and the blank area ink repellent. Print is defined as follows: (1) a mark made by pressure; (3) a reproduction of an original work of art made by a photomechanical process or an original work of art (as a woodcut, etching or lithograph) intended for graphic reproduction and produced by or under the supervision of the artist who designed it.

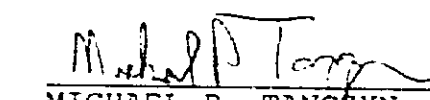
All of these definitions refer to one or more of the Petitioners' proposed functions at this site.

The issue of whether applying art by way of tattoo to human beings has been previously determined by this Commissioner to be a work of art. Works of art are routinely sold at the Tomlinson Craft Collection across York Road, as well as numerous other arts and craft shops located up and down the commercial strip on York Road.


#### Conclusion

For the points and authorities previously raised, Petitioners respectfully request the Zoning Commissioner to find that the Petitioners have met their burden and that the use requested is by function and/or definition alone or in combination a permitted use of right and direct by Order that a use permit be issued to the Petitioners as requested.

Respectfully submitted,

  
MICHAEL P. TANCZYN, ESQ.  
606 Baltimore Avenue, Suite 106  
Towson, Maryland 21204  
Telephone: (410) 296-8823  
Attorney for the Petitioners

I HEREBY CERTIFY that, on this 9th day of November, 1995, a copy of the foregoing was mailed, postage prepaid, to Justin King, Esquire, President, Greater Towson CCA, 207 East Redwood Street, Suite 1000, Baltimore, Maryland, 21202.

  
MICHAEL P. TANCZYN, ESQ.

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
E/S York Road, 22' S. of \* ZONING COMMISSIONER  
Pennsylvania Avenue. \*  
9th Election District \* OF BALTIMORE COUNTY  
4th Councilman District \*  
Legal Owners: Janet Gorfine \* Case No.: 96-107-SPH  
Oppenheimer, et al. \* (Item 98)  
Contract Purchaser: \*  
LVT Dermagraphics, Inc. \*  
Petitioner \*

#### MEMORANDUM IN OPPOSITION TO PETITIONER'S REQUEST TO APPROVE A TATTOO AND DESIGN STUDIO

The following Memorandum is filed in opposition to Petitioner's Request.

This matter was submitted to the Zoning Commissioner as a request for a Special Hearing to approval a Tattoo and Design Studio as permitted of right in a BM-CT zone. Petitioner seeks this relief, requesting that the proposed use falls within the bounds of barber and beauty shops or a residential art salon, or as a printing, lithographing or publishing plant not employing more than 25 persons. Petitioner seeks permission to operate a tattoo parlor and body piercing salon under the Code Provision Section 230.9 (residential art salon and/or barber and beauty shop), and Section 233.2 (printing, lithographing or publishing plan employing not more than 25 persons).

Clearly, what Petitioner proposes cannot be defined as a residential art salon. Residential art salon is defined as:

A portion of a dwelling unit used for the exhibition and sale of original works of art. For the purposes of these regulations, an "original work of art" shall include a numbered reproduction from a series of no more than 50, which reproduction is individually signed by the artist....

B.C.Z.R. Section 101 (Emphasis Added). There is no credible evidence in the record that the building proposed to house the tattoo parlor is a residence.

A dwelling unit is defined as "[a] building or portion thereof which provides living facilities for one or more families". Id. The only testimony regarding whether the site is a dwelling unit is that a "hot plate" could be provided for heating food and that a bed might be supplied for the shop manager, as a convenience to him in the event he would want to spend the night.<sup>1</sup>

A family is defined as follows:

Any number of individuals lawfully living together as a single housekeeping unit and doing their cooking on the premises....

Id. There is certainly no evidence that the store manager, much less any number of individuals living together, nor anyone else for that matter, is going to be occupying the premises with the intent of establishing a housekeeping unit. A hot plate will not "cook" food and a bed offered for the convenience of the manager indicates that in the event it is necessary due to inclement weather, the lateness of the hour, etc. the manager would have emergency shelter, not a home. Further, there is no evidence in the record that a residential lease or sublease would be provided for the "family" occupying the premises.

Additionally, a portion of the business proposed is not art at all, but rather what is commonly referred to as body piercing. There is no evidence that there is any original work of

<sup>1</sup> Testimony revealed the proposed shop manager is a student at Towson State.

art associated with body piercing. Thus it is clear that the proposed uses do not fall within the definition of residential art salon.

Nor can it be credibly stated that tattooing and body piercing is an activity akin to or an accessory of a barber or beauty shop. Neither barber nor beauty shop is defined by the zoning regulations, however, definitions are found in Webster's Third New International Dictionary. Webster defines barber shop as "a barber's place of business". A barber is defined as:

One whose business is cutting and dressing hair, shaving and trimming beards, and performing related services (as giving facials or scalp treatments or formerly performing dentistry and surgery).

(Emphasis Added). A beauty shop or beauty parlor is defined as:

An establishment or a department in an establishment where hairdressing, facials, and manicures are done.

Finally, facials are defined as "a treatment or massage for the face".

There is no evidence before this Honorable Body that would lend credence to equating the proposed activities of tattooing and body piercing to cutting or dressing hair, shaving or trimming beards, facials, manicures, or even dentistry, done long before the advent of the American Dental Association and accredited dental schools.<sup>2</sup> Nor is there testimony that such activities are an accessory use to a barber or beauty shop. Certainly there appears to be no similar activity in the one legally operated tattoo

<sup>2</sup> It is assumed the Petitioner does not seriously argue that barbers continue to practice dentistry or surgery.







parlor in Baltimore County located at 203 Eastern Boulevard. The fact that some shops may offer tattooing or body piercing does not, in and of itself, make such activities "customarily incident to" such use. B.C.Z.R., Section 101 (Accessory Use or Structure). Thus, Petitioner's attempt to qualify under this portion of the Code must also fail.

The final code provision within which Petitioner attempts to fall is that of a "printing, lithographing, or publishing plant, employing not more than 25 persons". Once again these terms are not defined within the regulations but reference to Webster's proves most enlightening. Webster's defines these terms as follows:

Printing:

Reproduction (as on paper or cloth) of an image from a printing surface made typically by a contact impression that causes a transfer of ink.

Lithography:

The process of printing from a plane surface (as a smooth stone or metal plate) on which the image to be printed is ink-receptive and the blank area ink-repellent.

Publishing:

The business or profession of the commercial production and issuance of literature especially in book form for public distribution or sale.

It is clear that certainly, body piercing as Petitioner has defined that term, does not fit within the above definitions so as to qualify it as a permitted use. Similarly, tattooing does not fall within the bounds of the definitions either. Webster's defines tattoo as follows:

An indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin or by the production of scars.

To mark or color (the skin) by pricking in coloring matter so as to form indelible marks or figures or by production of scars.

Tattooing is clearly not the equivalent to printing.

While printing involves the transferring of an image from one surface to another, tattooing is the creating of that image by inserting colored dye into the skin. Similarly, lithography involves the creation of a print by the transfer of the image from stone or metal onto the print surface. Again, this process is completely different than that used for the creation of tattoos. Finally, it is submitted that tattooing cannot be equated with publishing as the latter contemplates, in some form, the mass production of printed material in word form.

It is submitted and contended that the Petitioner's requested relief must be denied. There is no dispute that the zoning regulations do not, on their face, permit the establishment of a tattoo and body piercing parlor. Nor can it be argued that such business is the equivalent to or is an accessory of other permitted uses in the existing zone. The property at issue is clearly not a residence, nor does the Petitioner intend to create a residence out of the building. Further, under no definition can body piercing be defined as art. Thus, the proposed use cannot fall within the definition of a residential art salon.

Nor can it be said that the proposed uses would fall within the commonly understood definition of beauty or barber shop as the proposed uses have nothing to do with hair dressing, shaving

beards, or similar services.

Finally as shown above, tattooing and body piercing is clearly not printing, lithography, or publishing. One would be hard pressed to equate these professions when considering the methods used by those engaged in these occupations.

WHEREFORE, for the reasons stated above, it is requested that the Petition be denied.

*Justin King*  
Justin P. King, President  
Greater Towson Council of  
Community Assoc.  
207 E. Redwood Street  
Suite 1000  
Baltimore, MD 21202  
(410) 685-4558

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 8 day of November, 1995, a copy of the foregoing Memorandum was mailed, postage prepaid, to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Maryland 21204, attorney for Petitioner.

*Justin King*  
Justin P. King, President

IN RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
E/S York Road, 22 ft. South \*  
of Pennsylvania Avenue \* ZONING COMMISSIONER  
416 York Road \*  
9th Election District \* OF BALTIMORE COUNTY  
4th Councilmanic District \*  
Legal Owners: Janet Gorfine \* CASE No. 96-107-SPH  
Oppenheimer, et al \*  
Lessee: LVT Dermagrafix, Inc. \*  
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 416 York Road in Towson. The Petitioner is filed by Janet Gorfine Oppenheimer and Lucille Gorfine Cohen, property owners. The co-Petitioner is LVT Dermagrafix, Inc., through Vincent Myers, President, Lessee. The Petition for Special Hearing seeks a finding that a tattoo and design studio is a permitted use as of right in a B.M.-C.T. zone. The Petitioner seeks such a finding under alternate theories. Specifically, that the use is allowed pursuant to Section 230.9 of the BCZR as a barber shop, beauty shop or residential art salon; pursuant to Section 230.10 as a combination of permissible uses as of right; pursuant to Section 230.11 as a permissible accessory use or structure, including business signs; or, pursuant to Section 233.2 as a printing, lithographing or publishing plant employing not more than 25 persons. The subject property is more particularly shown on Petitioners' Exhibit No. 1, the plan to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing was Vincent A. Myers, President of LVT Dermagrafix, Inc., and Robin M. Myers, his wife. Also appearing in support of the Petition was Ed Massimiano and Stewart Ehrhart, business competitors of the Petitioner but supporters of his zoning request. James Mattis, who prepared the site plan, also appeared and testified in support of the Petition. The co-Petitioner was represented by Michael P. Tanczyn,

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Esquire. Several individuals appeared in opposition. These included Kan-neth Mills on behalf of the Towson Business Association, Justin King, Esquire on behalf of the Greater Towson Council and Susan Gray on behalf of Towson Manor Village.

As required by the BCZR and the Baltimore County Code, the matter was scheduled for and a public hearing was conducted on October 25, 1995. Numerous exhibits were submitted and testimony offered during that hearing. Moreover, this Zoning Commissioner permitted interested parties and counsel to submit memoranda and written position statements on or before Nov. 16, 1995. This case has generated significant public interest and numerous correspondence was received. As is all too unfortunately the case in matters of this nature, much of the correspondence from the public reflected a misunderstanding of the issues under consideration and the question presented.

Testimony received at the public hearing included that offered by James Mattis, a professional engineer who prepared the site plan. As that plan shows, the subject property is a small parcel located in the center of the Towson business district. The property is zoned B.M. (business major) with an overlaid C.T. (commercial town center) district. The property is a small lot, approximately one-tenth of one acre. The site is improved with an existing two story frame and masonry building. There is a small garage attached to the rear of the building and the site can supply only one off street parking space. The property is but one of a series of office/retail businesses on the east side of York Road in the block between Chesapeake Avenue to the south and Pennsylvania Avenue to the North. The nearby uses include restaurants, retail stores, offices, etc. The major retail center known as Towson Commons is located but a short distance away.

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The first floor of the subject building is presently occupied by the Towson Bootery. The proposed tattoo and design establishment will be located on the second floor. In addition to offering the site plan, Mr. Mattis fully described the subject property and its environs. The record should reflect the fact that this Zoning Commissioner is very familiar with the Towson Center including this business community and the residential neighborhoods which are located nearby. Also, numerous photographs were submitted of the property and neighborhood.

A substantial amount of testimony was also received from Vincent Myers, the proprietor of the proposed tattoo establishment. Mr. Myers' background is impressive and his credentials for this line of work are impeccable. Testimony and evidence offered in this respect were that he served honorably in the United States Military where he first became familiar with the art of applying tattoos. Following his honorable discharge from the military, he went into business and presently owns a tattoo shop in Vestminster, Maryland. He has been in business at that location for approximately four years. At the present time, he employs a number of individuals at that facility and is a founding member of the Alliance of Professional Tattooist, a professional trade organization.

Mr. Myers is an excellent representative of today's tattoo industry and is apparently working very hard to change the widely held perception of tattoos and tattoo artists. In my judgment, he is both a professional businessman and an artist. As the overwhelming evidence and testimony established, gone are the days when tattoos were exclusively reserved for drunken sailors on shore leave. Much like the now accepted fashion of long hair on men which was considered socially unacceptable in the 1960s, tattoos are now becoming mainstream. Individuals in every social class and economic strata are being tattooed.

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Mr. Myers described in detail the proposed business operation at this site. Essentially, he will conduct three types of activities at this location. First, will be the actual application of tattoos. His tattoo business is generally on an appointment basis. A tattoo can be selected from prepared artistic designs and can be procured for as little as \$50.00. For more complex and custom tattoos, an hourly rate of approximately \$125.00 is charged. In certain elaborate cases, an individual can expect to pay thousands of dollars.

In describing the tattoo process, Mr. Myers testified about the precise method by which tattoos are applied and the minimal risks of infection or spread of communicable diseases. The testimony was convincing and uncontradicted that there would be few health risks either to employees, patrons or the public at large by the tattoo operation. Moreover, the amount of medical waste material generated (i.e., used needles) is minimal. There was no evidence that there would be any danger to the public health by the operation of the tattoo business at this location.

Mr. Myers also noted that in addition to tattoos on an appointment basis, there would be some walk-in business. The hours of operation of the proposed facility will be from 11:00 A.M. to 11:00 P.M., Monday through Saturday. A number of tattoo artists will be employed at the shop to handle the volume of expected customers.

In addition to the actual application of tattoos, the second type of activity proposed for the location will be body piercing. Mr. Myers also testified about this process in detail. He described the service to be provided as "through piercing" where the pierce will fully go through a part of the anatomy such as an ear or nostril. He described the piercing procedure as identical to that done routinely in malls and jewelry stores as ear

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piercing. There will not be surface piercing of the body. One full time employee will specialize in this service to the shop's customers.

The third type of business conducted on the site will be the manufacture and sale of what is known in the trade as "flash". Mr. Myers submitted, as exhibits, a series of flash designed by him. By definition, flash is an original work of art and/or design which is prepared by an artist. Some of the art work is available for public sale and/or dissemination and other work is copyrighted by the artist. Apparently, the sale of flash is a significant part of the tattoo industry and can generate substantial income to artists. The flash designs prepared by Mr. Myers can be copied as a tattoo.

As a tattooist and artist, Mr. Myers is held in high esteem in his industry. His flash design and tattoo artistry are recognized internationally. He testified about the voluminous sales of flash which he has made over the years around the globe. Although art is no doubt a matter of subjective taste, it is clear that Mr. Myers' work, in this field, is highly respected and recognized as among the highest quality in this industry.

Mr. Myers' testimony was helpful in allowing this Zoning Commissioner to obtain an understanding as to the activities which are proposed on the site. The testimony was accepted for that purpose and that purpose alone. It need be emphasized that this case was not about the desirability of tattoo parlors, or the character of those who tattoo or are tattooed. Whether the tattoo business is a benefit or a detriment to the surrounding locale is not at issue. It is, indeed, unfortunate, that many of the letters received from the public on this case focused on this issue. Some of the letters expressed fears about the "element generally associated with this type of activity" and the potential attraction to the area of "drunks and prostitutes who traditionally patronize these establishments." These opinions are

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narrow minded and inaccurate. More to the point, they are irrelevant. The sole issue before this Zoning Commissioner is whether the use is permitted at this locale under the BCZR.

Focusing on that issue, it is of note that the BCZR are written in the inclusive. That is, only those uses as identified within the regulations as permitted by right or special exception are allowed. See Kowalski v. Lamar, 25 Md. App. 493 (1975). In Kowalski, the Court wrestled to define the nature of activity which was occurring on a waterfront property in eastern Baltimore County. The Court reviewed the testimony and evidence presented relating to the activity (i.e. a commercial fishery) which occurred on that property. The Court relied upon the language of Section 102.1 of the BCZR which provides "No land shall be used or occupied and no building or structure shall be erected, altered, located or used except in conformity with these regulations and this shall include any extension of a lawful nonconforming use." Id., pg. 496. After considering this and other relevant provisions of the BCZR, the Court concluded that "These sections established that the only uses permitted . . . are those designated as uses permitted as of right and uses permitted by special exception. Any use other than those permitted and being carried on as of right or by special exception are prohibited." Id., pg. 496 (citations omitted).

This holding remains the law in Baltimore County. Section 102.1 has not been amended, modified or stricken since analyzed by the Court in Kowalski. The Kowalski holding itself has not been reversed by the Courts. Moreover, Section 233 of the BCZR regulates B.M. zones and states that "The following uses only are permitted." (emphasis added) That section then goes on to identify uses permitted as of right or by special exception in the B.M. zone. Any uses not so identified are simply not allowed.

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It is clear that a "tattoo parlor" or a "tattoo and design studio" is not among the designated uses in Section 233 of the BCZR. Indeed, neither of those phrases are contained within the BCZR, including Section 101 thereof, which defines phrases and words used throughout. Thus, absent such a defined phrase or referenced use in the regulations, a tattoo parlor or tattoo and design studio is not allowed either by right or by special exception in a B.M. zone.

In an effort to rebut this conclusion, the Petitioner offers a number of alternate arguments. First, it is claimed that a tattoo parlor or tattoo and design studio falls within the definition of a residential art salon. The Petitioner notes that a residential art salon is a permitted use in a B.L. zone (Section 230.9 BCZR) and, as such, is allowed by right in a B.M. zone (233.1 BCZR). As further authority for this position, the Petitioner relies upon that decision authored by this Zoning Commissioner in the matter of Elton B. Ensor, case No. 93-260. In that case, Mr. Ensor proposed operating a tattoo parlor (described in the Petition as a residential art salon) in a two story framed apartment building on Eastern Avenue in the eastern section of Baltimore County. It is of particular note that the subject building in which the business was to be operated was primarily utilized as residential apartments. The tattoo operation was conducted on one of the lower floors of the building.

In that case, I reviewed the definition of a residential art salon as set forth in Section 101 of the BCZR as "A portion of the dwelling unit used for the exhibition and sale of original works of art . . .". I noted that the subject building in which the use was proposed was used for dwelling purposes. Moreover, I determined that the flash and tattoo designs sold were original works of art. Thus, under a broad definition of residential art salon, the tattoo studio qualified as a residential art salon.

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I do not retreat from that decision but note that such holding is not applicable in this case. The reason for the inapplicability of the holding in Ensor is manifest. A residential art salon, by definition, can exist only in a building used for dwelling purposes. The uncontradicted testimony and evidence offered by the Petitioner is that the subject building on York Road is not a dwelling.

A dwelling is defined by Section 101 of the BCZR as "A building or portion thereof which provides living facilities for one or more families." Quite simply, no one lives at 416 York Road in Towson and there are no living facilities therein. Although, arguably, the structure could be converted to a dwelling, it is not so used at the present time. A potential conversion of the structure to provide sleeping quarters for one of Mr. Myers' employees is not sufficient and does not make the building a dwelling. The building is not now used as a dwelling and thus Mr. Myers proposed operation cannot, by definition, qualify as a residential art salon.

Having dismissed this theory, attention is turned to the Petitioner's second approach. In this regard, the Petitioner claims that the use should be permitted as a beauty or barber shop. There uses are permitted in a B.L. zone as of right by Section 230.9 of the BCZR and are incorporated as permitted by right in a B.M. zone by Section 233.1.

Unlike the term "residential art salon", a beauty or barber shop is not defined by Section 101 of the BCZR. In such an event, the regulations direct the reader to the "ordinarily accepted definition" of the word phrase as set forth in the most recent edition of Webster's Third New International Dictionary of the English Language, Unabridged" (See Section 101).

In Webster's, a barber shop is defined as a barber's place of business and a barber is defined as "one whose business is cutting and dressing hair, shaving and trimming beards and performing related services." Histori-

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cally, barbers also performed some dentistry and surgery, however, in the more recent past, these highly regulated services are exclusively within the province of physicians and other medical doctors. Applying the definition as found in Webster's, it is clear that the activities proposed at Mr. Myers' shop are not those routinely performed by barbers or in barber shops. In fact, Mr. Myers indicated that he does not tattoo the human head; the part of the anatomy on which barbers focus. It is quite clear that even a most broad definition of a barber shop would not include those activities within the proposed tattoo and design studio.

Beauty shops are, likewise, not defined in Section 101 of the BCZR and, again, Webster's need be consulted. A beauty shop or beauty parlor is defined in Webster's as "an establishment or a department in which hair-dressing, facials and manicures are done." Again the activity in Mr. Myers proposed shop does not fall within the uses envisioned and described by Webster's.

It is clear that the customers of tattoo parlors, beauty shops and barber shops all purchase the offered services with the intent to improve their appearance. Differences in taste account for the differences in services offered. I agree with the Petitioner that, to this degree, the uses are similar. However, the similarity of the uses ends with the desire to alter/improve appearance. The uses are, by operation, quite different. As importantly, Webster's does not consider the terms synonymous. In fact, Webster's defines a tattoo as "An indelible mark or figure fixed upon the surface of the body by the insertion of pigment under the skin or by the production of scars". This definition cannot reasonably be considered to include those activities as described within the definitions of barber shop or beauty salon set forth above. To conclude that all appearance improving

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processes are the same would be akin to considering, for example, that all manufacturing processes are the same. Obviously, this is not so.

Next, the Petitioner argues that the use should be approved as a printing, lithographing, or publishing plant pursuant to Section 233.2 of the BCZR. Again, unfortunately, this phrase is not defined by Section 101.1 of the BCZR and reference to Webster's is appropriate. The definition of "print" is quite voluminous and "printing" is defined as "a reproduction (as on paper or cloth) of an image from a printing surface made typically by contact and impression that draws a transfer of ink". Lithography is similarly defined "the process of printing from a plain surface on which the image to be printed is ink receptive and the blank area ink repellent". A lithograph is "to produce, copy or betray by lithography". Lastly, publishing is defined as "the business or profession of the commercial production and issuance of literature, especially in book form for public distribution or sale".

These terms, although broadly defined Webster's, are not applicable to the nature of the activity which is proposed here. One could conceivably argue that the application of a tattoo on the human skin is an act of printing. However, it is the duty of the Zoning Commissioner to determine the County Council's intent when employing the words contained within the BCZR. The cardinal rule of statutory interpretation is to ascertain and effectuate legislative intention. See e.g., Private vs. State, 320 Md. 738 (1990), Powell vs. State, 179 Md. 399 (1941) and Ox v. Prince George's County, 86 Md. App. 179 (1991). By grouping these activities as a single use (i.e., a printing, lithographing or publishing plant), it is clear that the Council intended to include only the business of reproduction of literature and written materials within this definition. I cannot hold that the Council intended a tattoo parlor to fall within the use described as a printing,

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lithographing or publishing plant. In my judgment, the Council did not intend to so broadly encompass a tattoo studio within the definition of a printing, lithographing, or publishing plant.

The Petitioner's next theory seeks relief, pursuant to Section 230.10 of the BCZR. In essence, this section presents a combination of the specific uses enumerated in Section 230.9 of the BCZR to be permitted as of right. That is, Section 230.9 lists a series of separate and independent uses which are permitted as of right in the B.R. zone. When those separate uses become a combined activity, such combination is allowed. The clear answer in addressing the Petitioner's position in this respect is that none of the permissible identified uses in Section 230.9 can be combined to constitute a tattoo studio. The Petitioner cannot point to any enumerated use in Section 230.9 as descriptive of the proposed use in this case. Thus, there is no real argument that any such identifiable uses have been combined to become a permissible use.

Finally, the Petitioner seeks relief pursuant to Section 230.11. Under this section, accessory uses are permitted. Accessory uses are defined by Section 101 of the BCZR as those uses which are "customarily incidental and subordinate to the principal use of a land or structure". Moreover an accessory use must be subordinate in area, extent or purpose to primary use, located on the same lot as the principal use and contribute to the comfort, convenience or necessity of the primary use. The primary uses in this case are: the affixing of tattoos, the piercing of body parts and the manufacture and sale of flash. In my judgment, these three activities are collectively the primary business of a tattoo studio. None are accessory uses customarily incidental to a permitted primary purpose. The Petitioner can identify no permissible use to which the above related activities can be considered accessory. Thus, the Petition cannot be granted on this basis.

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Thus, having addressed all of the Petitioner's arguments set forth in the Petition for Special Hearing, it is clear that the Petition must be denied. Quite simply, the BCZR and case law which has construed same mandate that all uses must be designated as permissible by right or special exception in order to be allowed. Mr. Myers' proposed operation is a tattoo studio; it is not a barber shop, beauty shop, residential art salon, printing, lithographing or publishing plant or a combination of or accessory thereto, permitted uses. Thus, it is not allowed on the subject property, zoned B.M.

The Petitioner's well written memorandum also deserves some comment. Counsel for the Petitioner correctly points out, that a tattoo studio is a use which is seemingly consistent with other uses permitted in the B.M. zone. For example, pawn shops are permitted as of right in a B.M. zone, as are night clubs. After hour clubs, arcades and strip tease businesses are allowed in a B.M. zone by special exception. It would seem that a tattoo studio has a similar social stigma to these businesses, in terms of its perceived dilatorious effect on surrounding businesses and communities. The Council has seen fit to identify and regulate these other businesses while apparently ignoring tattoo parlors. Particularly with the increased popularity of this service, the lack of inclusion of this business in the BCZR could be considered by some inappropriate. Certainly Mr. Myers and others who engage in his trade would argue that tattoo parlors should be recognized and regulated as legitimate businesses in Baltimore County.

Nonetheless, such recognition and regulation is not the role of the Zoning Commissioner. Mine is not a legislative function but a quasi-judicial function. My role is not to make zoning laws but interpret the BCZR and its provisions. The clear direction sent by the Court of Special Ap-

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pals in Kowalski, infra, and the clear meaning of the Council in Section 102.1 of the BCZR mandate this conclusion.

Lastly, the Petitioner might insist that a denial of the Petition is discriminatory to this business. That is, it could be argued that the inclusive interpretation of the BCZR required by Kowalski, infra, prohibits tattoo parlors anywhere in Baltimore County; in that they are not identified in the BCZR. Although this theory might have some basis in certain cases, it is not applicable here by reason of Ensor. That decision permitted a tattoo parlor to operate within Baltimore County, under certain circumstances (i.e., as a residential art salon business). Thus, tattoo studios are allowed in Baltimore County in certain circumstances. Those circumstances, however, do not exist here.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 17<sup>th</sup> day of December, 1995 that, pursuant to the Petition for Special Hearing, approval that a tattoo and design studio is a permitted use as of right in a B.M.-C.T. zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to Section 230.9 of the BCZR, approval as a barber and beauty shop or residential art salon, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to Section 230.10, approval as a combination of permissible uses as of right, be and is hereby DENIED; and

IT IS FURTHER ORDERED that, pursuant to Section 230.11 of the BCZR as a permissible accessory use or structure, including business signs, be and is hereby DENIED; and,

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ORDER RECEIVED FOR FILING  
Date 12/19/95  
By M. Frank

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By M. Frank







700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 847-1500

DATE: 09/12/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: JANET GORFINE OPPENHEIMER & LUCILLE GORFINE COHEN

LOCATION: E/5 YORK RD., 222 S OF PENNSYLVANIA AVE.  
(416 YORK RD., 2ND FLOOR)

Item No.: 098 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: L.T. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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SEP 13 1995  
ZADM

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 18, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for September 18, 1995  
Items 093, 094, 097, 098, and 099

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw



Maryland Department of Transportation  
State Highway Administration

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

9-12-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 098 (JJS/JLL)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: October 11, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 416 York Road

INFORMATION:

Item Number: 98

Petitioner:

Property Size:

Zoning: BM-CT

Requested Action: Special Hearing

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The proposed tattoo and design studio is located at 416 York Road within the boundaries of the adopted Towson Community Plan in an area defined as Central Towson. Retail uses are the preferred uses along the York Road street edge. The proposed tattoo and design studio would be located within the heart of the Towson Revitalization area, which was designated on January 5, 1981 and made subject to additional legislative criteria. The proposed use is not consistent with the goals of either the Towson Community Plan (adopted by the County Council on February 3, 1992) or the revitalization efforts.

In addition, the State of Maryland and Baltimore County are working together on three major projects which, when completed, will provide major improvements along York Road (see attached memo dated September 27, 1995 from Carol Carpenter of the Office of Community Conservation). It is hoped that these improvements, which require significant funding, will help to encourage the type of high quality businesses envisioned for Towson's core. In addition, this area of Towson was only one of four areas of the County designated as significant enough to warrant exterior building review by the Design Review Panel (Bill 12-93).

It is the opinion of this office that a tattoo and design studio (parlor) is a unique use, and as it is not listed as a permitted use by right or by special exception in any zone listed in the Baltimore County Zoning Regulations, therefore it is not a permitted use. The use is clearly not a barber or beauty shop where hair cutting and styling are the principal use and is not customarily incidental or accessory to the principal use. Additionally, the use is clearly not a residential art salon, as it is not located within a dwelling and fails to meet the definition of such. A residential art salon is defined by the BCZR as "a portion of a dwelling unit used for the exhibition and sale of original works of art. For the purposes of these regulations an original work of art shall include a numbered reproduction from a series of no more than 50, which reproduction is

TO: Arnold Jablon, Director, PDM  
FROM: Arnold F. "Pat" Keller, III, Director, OP  
individually signed by the artist." It is the opinion of this office that the definition of art as contained within this definition was intended to describe paintings, watercolors, mixed media, sculpture and lithographs. (Refer to bill 85-67, Bill 32-78).

Lastly, the proposed use is not a printing, lithography or publishing plant employing not more than 25 persons. Printing and publishing involves the reproduction of printed material for public distribution or sale.

SUMMARY OF RECOMMENDATIONS

In conclusion, it is the opinion of this office that the proposed use is not permitted in any of Baltimore County's zoning classifications and is not consistent with revitalization efforts in Towson's core. Therefore, based upon the information provided and analysis conducted, it is recommended that the applicant's request be denied.

Prepared by: Jeffery W. Long

Division Chief: Gary L. Kern

PK/JL

BALTIMORE COUNTY  
INTER-OFFICE MEMORANDUM

TO: Jeff Long

FROM: Carol Carpenter

RE: Information on Towson Revitalization Projects

DATE: September 27, 1995

Main street Towson will undergo a number of significant improvements next year in an effort to ease traffic congestion, increase pedestrian access, and make the downtown a more attractive place to be. Baltimore County and the State of Maryland have partnered on three projects.

A \$1.2 million roundabout will be constructed to alleviate the traffic difficulties at the major downtown intersection. Baltimore County will spend \$2.4 million to streetscape the roundabout, as well as the four main street blocks of York Road and associated arterial streets. The County will also design the center island of the roundabout as a gateway for the town center. Property owners in the affected areas will contribute approximately \$500,000 to these projects in the form of improvements to building facade, parking areas, etc. As part of the streetscape project, federal funding of \$100,000 has been secured through the Intermodal Surface Transportation Enhancement Act (ISTEA) to enhance the appearance of York Road from Towsontown Boulevard to Burke Avenue.

FY 96 plans state an additional \$2 million for Towson to improve York Road from the roundabout to the beltway, as well as improvements to Virginia Avenue.

I hope this information is helpful.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: September 6, 1995

TO: Gwen Stephens  
Development Management

FROM: James Thompson  
Code Enforcement

RE: Item No. 98  
416 York Road, 2nd Floor  
Oppenheimer/Cohen  
9th Election District

When the referenced special hearing is scheduled, please notify Councilman Douglas B. Riley.

Lisa Keir of Councilman Riley's office had today expressed an interest in this matter.

JHT/hek

PETITION PROBLEMS

#93 --- JRE

1. Notary section is incomplete/incorrect.

#94 --- JRA

1. No telephone number for legal owner.

#97 --- JRA

1. No review information on bottom of petition form.

#98 --- JJS/JLL

1. No telephone number for legal owner.

#99 --- RT

1. Not marked "Critical Area".

#101 --- JCM

1. Need authorization for power of attorney from Register of Wills. (Petition for Commissions is signed by the personal representative, not the court. Also, the first page is cut off at the bottom.)



25 PETITION FOR SPECIAL HEARING  
116 York Road - 2nd Floor, E/S York Road,  
221 S of Pennsylvania Avenue  
9th Election District, 4th Councilmanic  
Legal Owners: Janet Gorfine Oppenheimer  
& Lucille Gorfine Cohen  
Contract Purchaser: LVT Dermagraphix, Inc.  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-107-SPH

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County  
*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24<sup>th</sup> day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

TOWSON COMMONS

November 8, 1995

#### VIA HAND DELIVERY

Mr. Lawrence Schmidt  
Baltimore County Zoning Commissioner  
Towson Courthouse  
Suite 112  
400 Washington Avenue  
Towson, Maryland 21204

Dear Mr. Schmidt:

I am writing to voice my opposition to the proposed tattoo parlor to be located at 416 York Road. On behalf of the merchants and owners of Towson Commons, this proposed use is being opposed for the following reasons:

- The location of the proposed use is not a residence and thus restricts this use as a Residential Art Salon.
- The proposed service is not offered by Barber or Beauty Shoppes, further prohibiting this business classification.
- To qualify as a Printing, Lithographer or Publishing Plant, the image must be transferred from one surface to another. Tattoos are not transferred but created by the artist.

I was unable to attend the October 24th hearing. Thank you for the opportunity to further express our dissent with their use. The Towson Commons Limited Partnership has invested millions into the downtown Towson area to enhance the quality of life of this community. Approving this proposed use would signal other merchants that this type of use constitutes the mix of uses desirable in this community. Please do not send that signal. Thank you in advance for your careful consideration.

Very truly yours,

LA SALLE PARTNERS  
MANAGEMENT LIMITED

*Maurice D. Walker*  
Maurice D. Walker  
General Manager

MDW:cdk  
5/25/95

LaSalle Partners • 1 West Pennsylvania Avenue • Towson, Maryland 21204 • Telephone: (410) 881-1111 • Facsimile: (410) 881-1112

NOV-13-95 11 06 FROM GDLC

ID 14107934040

PAGE 1/3

GOODELL, DEVRIES, LEECH & GRAY, LLP

RICHARD M. BARNES  
DIRECTOR OF PUNDERS  
410 783-4004

ATTORNEYS AT LAW  
COMMERCIAL PLACE  
ONE SOUTH STREET, 20TH FLOOR  
BALTIMORE, MARYLAND 21202

TELEPHONE (410) 783-4000

FACSIMILE (410) 783-4040

TELECOPY COVER SHEET

DATE November 13, 1995

#### CONFIDENTIALITY NOTICE

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PLEASE SEND THE FOLLOWING DOCUMENT TO:

RECIPIENT: Lawrence E. Schmidt, Zoning Commissioner

FILE NO.:

TELECOPIER NUMBER: 887-3468

FROM: Richard M. Barnes

COMMENTS:

NUMBER OF PAGES: 2 (EXCLUDING COVER SHEET)

PLEASE CALL US IF THIS TRANSMISSION IS INCOMPLETE OR ILLEGIBLE.

SENDER'S NAME: Carol Filipiak

SENDER'S NUMBER: 783-4000

JUSTIN JAMES KING

ATTORNEY AT LAW  
TENTH FLOOR  
207 EAST REDWOOD STREET  
BALTIMORE, MARYLAND 21202  
(410) 484-4338  
FAX (410) 484-4331

November 8, 1995

Lawrence E. Schmidt  
Zoning Commissioner for Baltimore  
County  
Zoning Office  
400 Washington Avenue  
Towson, Maryland 21204



Dear Commissioner Schmidt:

Enclosed herewith please find Memorandum in Opposition to Petitioner's Request to Approve a Tattoo and Design Studio.

Please note that I am forwarding to you the original and request that it be docketed with the file as I have not forwarded same to the Zoning Office.

Very truly yours,

*Justin J. King*  
Justin J. King

JJK/mlw  
enclosure  
cc: Michael P. Tanczyn, Esquire

Law Offices  
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

September 25, 1995

Baltimore County Permits and  
Development Management  
ATTN: GWEN STEVENS  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Item 98

Dear Gwen:

Thank you for the Notice of Hearing on LVT Dermagraphix for October 25, 1995. The reason for this letter is that in reading the Notice it appears that the third use testified on our Petition was not included in the description included in the Notice to the Public. That had been for a "printing lithographing or publishing plant employing not more than 25 persons." Can you please doublecheck the ad and make sure that all three uses are included in the ad for the property so that there is no question about whether the Petition and interpretation of uses was fairly advertised as required by the Zoning Regulations and Baltimore County law.

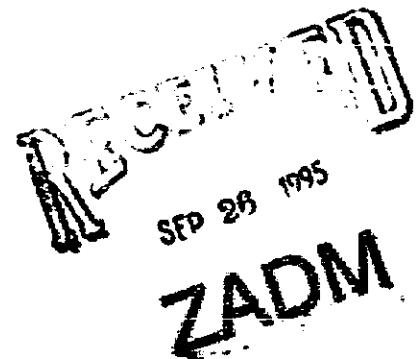
Thank you very much for your cooperation in this regard. If you have any questions, please feel free to call me.

Very truly yours,

*Michael P. Tanczyn*  
Michael P. Tanczyn

MPT/kr

cc: LVT Dermagraphix, Inc.



Law Offices  
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue  
Towson, Maryland 21204  
(410) 296-8823 - (410) 296-8824  
Fax: (410) 296-8827  
Computer Fax: (410) 296-2848

November 10, 1995

Honorable Lawrence Schmidt  
Baltimore County Zoning Commissioner  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

Re: Case No. 96-107-SPH  
416 York Road, 2nd Floor  
9th Election District

Dear Commissioner Schmidt:

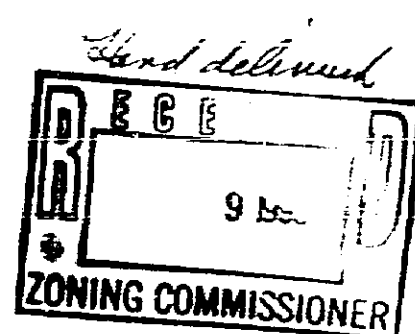
Enclosed please find Petitioner's Memorandum in the above matter.

Very truly yours,

*Michael P. Tanczyn*  
Michael P. Tanczyn

MPT/ed  
Enclosure

cc: Justin King, President  
Greater Towson Community Association  
LVT Dermagraphix, Inc.



WILTONDALE

P.O. Box 10116  
Towson, Maryland 21204

Wiltondale  
Improvement Association,  
Incorporated

November 8, 1995

Lawrence Schmidt  
Zoning Commissioner  
Old Courthouse  
400 Washington Avenue  
Towson, MD 21204

RE: 96-107SPH (ITEM 98)

Dear Mr. Schmidt,

The Wiltondale Improvement Association is strongly opposed to the issuance of a permit to allow the establishment of a tattoo parlor at the proposed location on York Road in central Towson. This is not the best use of the real estate and is out of character with the rest of the businesses in the corridor. In addition, the tattoo industry is unregulated, the disposal of the needles is a serious concern, and minors may be serviced. Also, the proposed parlor has only one parking spot but will likely require more.

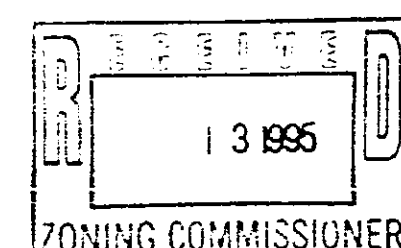
We trust that you will reject this proposed permit because a tattoo parlor will destroy the character and charm of our town.

*Harvey Noyes*  
Harvey Noyes, President

*Deborah Clark-Levine*  
Deborah Clark-Levine, Secretary

*Lucy Meyer*  
Lucy Meyer, Vice-President

*Thomas Hyle*  
Thomas Hyle, Treasurer



The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE  
BALTIMORE, MD. 21212

CASE NUMBER 96-107-SPH (Item 98)

J. Donald Gerdner; Board of Governors, Chair; Committee-External Affairs  
335 Old Trail - Baltimore, MD. 21212

Doug Campbell; Board of Governors, Member; Committee-External Affairs  
422 Hopkins Road - Baltimore, MD. 21212

On behalf of the Board of Governors of Rodgers Forge Community, Inc. we have been requested to provide the Zoning Commissioner of Baltimore County with the Community Association's position on the Petition for Special Hearing for the property located at 416 York Road, 2nd Floor - Towson, which is presently zoned RM-CT. At issue is finding a Tattoo and Design Studio as permitted of right in RM-CT zone.

The Rodgers Forge Community has a long history of concern regarding the general welfare of the immediate town center - Towson - the health and well being of its retail, commercial, office and government center greatly affects the quality of this well established residential community.

The proposed use is not consistent with revitalization efforts or the goals of the Towson Community Plan which was adopted by the County Council on February 3, 1992.

However, most important is the fact that the proposed

1 of 2





PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS  
KEN MILLSTONEN BUSINESS ASSOC. 1000 CROWNVIEW DRIVE RD TOWSON 21286  
JAMES H. MILLSTONEN 1000 CROWNVIEW RD TOWSON 21286  
S. A. MILLSTONEN 334 RIDGE AVE TOWSON 21286

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS  
JAMES H. MILLSTONEN 1000 CROWNVIEW RD TOWSON 21286  
S. A. MILLSTONEN 334 RIDGE AVE TOWSON 21286  
JAMES H. MILLSTONEN 1000 CROWNVIEW RD TOWSON 21286

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS  
Burton E. Greenwood 608 WILTON RD. 21286  
J. DONALD GREENWOOD 335 OLD TRAIL 21212  
J. DONALD GREENWOOD 6907 HANFORD RD. 21286  
J. DONALD GREENWOOD 23 W. Chesapeake Ave. 21204  
J. DONALD GREENWOOD 603 GUNN RD TOWSON 21286  
J. DONALD GREENWOOD 603 GUNN RD TOWSON 21286  
J. DONALD GREENWOOD 603 GUNN RD TOWSON 21286

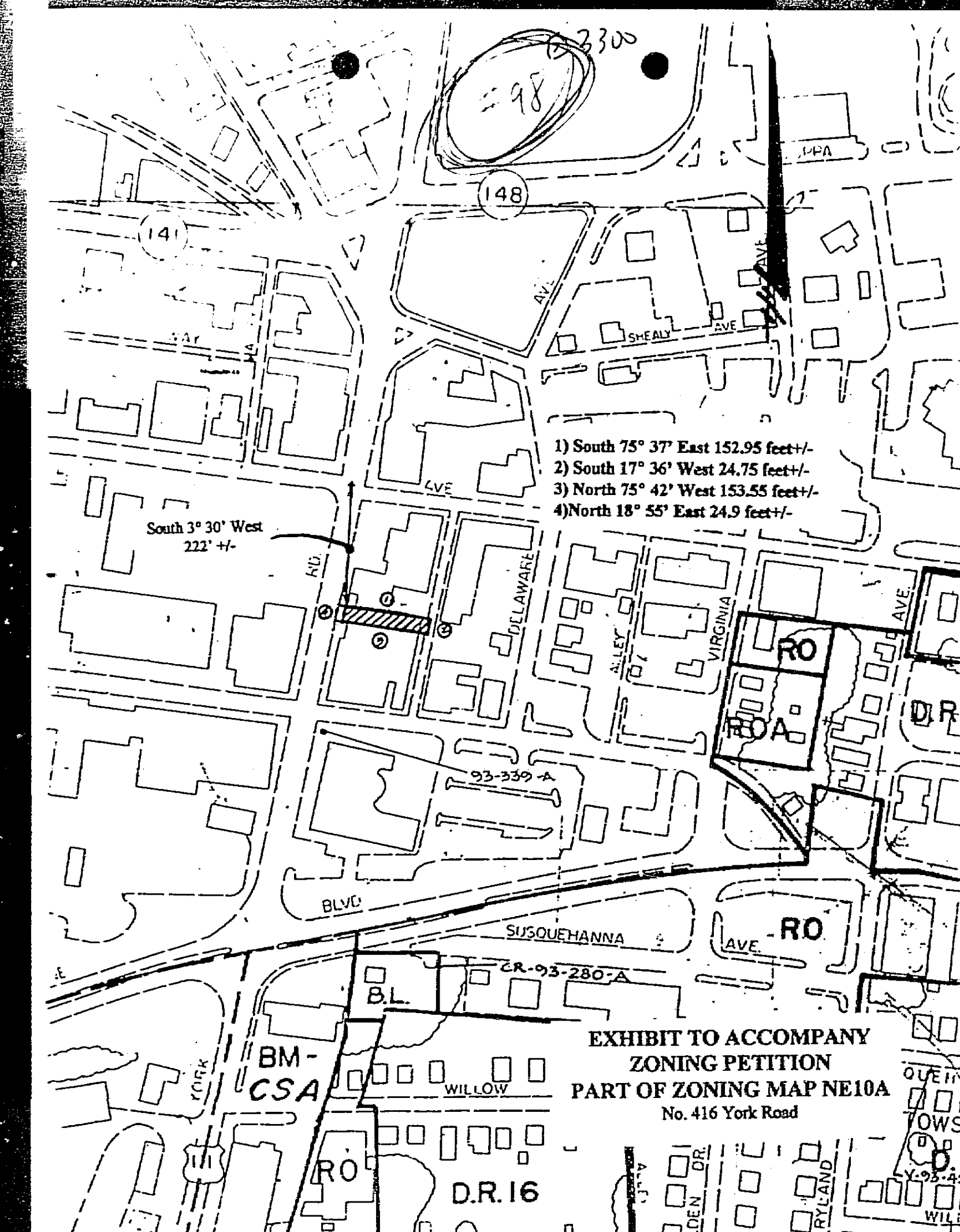


EXHIBIT TO ACCOMPANY  
ZONING PETITION  
PART OF ZONING MAP NE10A  
No. 416 York Road

STATE v. FABRITZ

Syllabus. 1276 Md

STATE OF MARYLAND v. FABRITZ

(No. 29, September Term, 1975.)

Decided December 3, 1975.

STATUTES — Cardinal Rule in Construction of Statutes Is To Effectuate The Real And Actual Intention Of The Legislature — Statutory Enactment Must Be Considered In Its Entirety And In The Context Of The Purpose Underlying Its Enactment And Should Be Construed According To The Ordinary And Natural Import Of Its Language pp. 421-422

STATUTES — Penal Statutes Must Be Strictly Construed But Like Other Statutes They Are To Be Fairly And Reasonably Construed And Courts Should Not Be Narrow And Strained Construction Except From Their Operation Cases Plainly Within Their Scope And Meaning — In Construing Statutes Requiring Construction, Courts Must Consider Not Only The Literal Or Usual Meaning Of Words But Their Meaning And Effect In Light Of The Setting, The Object And Purpose Of The Statute — If The Real Intention Prevailing Over The Literal Intention Even Though Such A Construction May Seem To Be Contrary To The Letter Of The Statute, p. 422

STATUTES — Where Doubt Or Ambiguity Exists As To The Exact Reach Of Statute's Provisions, Application Of The Principle That Permits Courts In Such Circumstances To Ascertain And Give Effect To The Real Intention Of The Legislature Is Justified pp. 422-423

STATUTES — Child Abuse — Legislature Plainly Intended To Broaden The Area Of Prohibited Conduct Punishable In Child Abuse Case In 1972 Amendment To Section 303A Of Article 27 Of The Code — Offense For A Person Having Custody Of A Minor Child To "Cause" The Child To Suffer A "Physical Injury" Did Not Require That Injury Result From A Physical Assault Upon The Child Or From Any Physical Force Initially Applied By The Accused Individual But That The Offense Was Committed If Physical Injury To The Child Resulted Either From A Course Of Conduct Constituting "Cruel Or Inhuman Treatment" Or By "Glancing Blows Or Acts" pp. 423-424

STATUTES — Child Abuse — Parent Criminally Responsible As Having Caused Child To Suffer Physical Injury, Child In The State Contemplated By The Statute pp. 424-425

STATE v. FABRITZ

417

Opinion of the Court.

PARENT AND CHILD—Child Abuse—Parent Under Maryland Law Is Legally Obligated To Provide Necessary Medical Care To His Child — Evidence Showing Parent's Neglect Of Child's Medical Needs Constitutes Failure To Seek Assistance And Permitted Child's Condition To Deteriorate Until She Died Was Sufficient For Jury To Conclude That The Parent's Failure To Act Constituted The Child's Serious Bodily Injury, Any Additional To And Beyond That Inherently Originated And Constituted A Cause Of The Further Progression And Worsening Of The Injury Which Led To Her Death, And That In These Circumstances The Parent's Treatment Of The Child Was "Cruel Or Inhuman" — Article 27, Section 303A, pp. 425-426

Certiorari to the Court of Special Appeals of Maryland.

Circuit Court for Calvert County, Bowen, J.

Virginia Lynnette Fabritz charged with a violation of Article 27, Section 303A(a) (child abuse) and convicted by a jury. The Court of Special Appeals reversed the judgment of conviction and the Court of Appeals granted certiorari.

Judgment of the Court of Special Appeals reversing the judgment of the Circuit Court for Calvert County vacated; case remanded to the Court of Special Appeals for consideration of the other issues presented to that Court on appeal, but not decided; costs to abide the result.

The cause was argued before MURPHY, C. J., and SINGLEY, SMITH, DUGGS, LEVINE, ELDRIDGE and O'DONNELL, JJ.

Alexander L. Cummings, Assistant Attorney General, with whom were Francis B. Burch, Attorney General, and Warren F. Sengstack, State's Attorney for Calvert County, on the brief, for appellant.

George E. Burns, Jr., Assistant Public Defender, with whom were Alan H. Murrell, Public Defender, and Richard J. Clark, Public Defender, on the brief, for appellee.

MURPHY, C. J., delivered the opinion of the Court. O'DONNELL, J., dissents and filed a dissenting opinion at pp. 427-428.

is evidence of negligence because accidents ordinarily do not happen in the absence of a breach of duty and this in and of itself constitutes enough circumstantial evidence to permit an inference to be drawn by the jury in a given case. This is the doctrine of *res ipsa loquitur*. Its application in automobile accident cases depends on the circumstances of each accident."

[11] In *Hanes v. State*, Use of Lamin, supra, *res ipsa loquitur* was held applicable to a factual situation which we find indistinguishable from the instant case. In *Hanes* an automobile ran off a straight highway twenty-two feet in width. The highway was dry; there was only a slight upgrade at the point where the car left the road. There was no claim made by the driver that he was not in exclusive control. No act of God was alleged to have been the cause of the accident so as to make the doctrine inapplicable. The driver's claim that an emergency forced him from the road was held to have been properly submitted for the jury's determination. In the instant case, as in *Hanes*, an automobile left a dry and straight roadway and struck a pedestrian who was walking facing traffic on the gravel shoulder. See Md. Code, Art. 669, § 11-500(b). There was no evidence that anyone other than the driver was in exclusive control of the automobile and no act of God was shown to have been the cause of the accident. Under these facts, the doctrine of *res ipsa loquitur* applied and the inference of negligence, which arose was sufficient if un rebutted, to allow the case to go to the jury. Appellant presented no evidence to rebut the inference of negligence. The trial court was correct in denying appellant's motions for judgment n. o. v.

25 Md.App. 493  
Richard KOWALSKI  
John LAMAR et al.  
No. 587  
Court of Special Appeals of Maryland.  
April 4, 1975.

Landowner filed a complaint with zoning commissioner alleging that an adjoining landowner was violating zoning regulations by operating a commercial fishing business and a boatyard in a residential zone. The Commissioner found that the adjoining landowner was violating the regulations, and the Circuit Court for Baltimore County, H. Kemp MacDonald, J., entered an order affirming the Board. Landowner appealed. The Court of Special Appeals, Davidson, J., held that where the only uses to which vacant land zoned "rural, deferred-planning" were berthing, maintenance, storage and launching of fishing boats and commercial fishing activities, the zoning ordinance did not permit such uses as of right, and no special exception had been obtained, the uses were prohibited by the zoning ordinance. Reversed.

1. Zeasig C-68, 481

Any use other than those permitted by zoning ordinance and being carried on as of right or by special exception is prohibited.

2. Zeasig C-351

On appeal of zoning commissioner's finding that landowner was violating zoning ordinance by operating boatyard and by conducting commercial business upon land classified in residential zone, board of

KRIS SPERRY, M.D.  
CURRICULUM VITAE

DATE OF BIRTH: December 21, 1954  
BIRTHPLACE: Topeka, Kansas  
CITIZENSHIP: United States  
CURRENT ADDRESS:

Office: Fulton County Medical Examiner's Office  
50 Coca Cola Place, S.E.  
Atlanta, Georgia 30303  
(404) 730-4400  
FAX: (404) 730-4405  
Digital Pager: (404) 619-0115  
Car Phone: (404) 444-2167

Home: 5327 Golfcrest Circle  
Stone Mountain, Georgia 30088  
(404) 593-0902

EDUCATION:

High School: Lawrence High School, Lawrence, Kansas: 1971.

College: Kansas State College of Pittsburg, Pittsburg, Kansas: B. S. Degree (Major in Biology, Minor in Chemistry): 1975.

Medical School: University of Kansas School of Medicine, Kansas City, Kansas: M. D. Degree awarded June, 1978.

POSTGRADUATE TRAINING:

Flexible Internship: Allentown Hospital, Allentown, Pennsylvania: July, 1978 through June, 1979.

Resident in Pathology: University of New Mexico School of Medicine, Albuquerque, New Mexico: July, 1981 through June, 1985.

Fellow in Forensic Pathology: Office of the Medical Investigator for the State of New Mexico, University of New Mexico School of Medicine, Albuquerque, New Mexico: July, 1985 through December, 1985.

Tattoos and Tattooing  
Part I: History and Methodology

Kris Sperry, M.D.

Most medical examiners and pathologists who routinely perform autopsies identify tattoos on a daily basis. However, these dermatographic markings are given only cursory inspection and description, if at all, although many pathologists photograph particularly unique, unusual, or bizarre examples. From a medical perspective, these permanent skin designs are most often used as identification markers, especially in cases of unknown or questionable identity. The majority of pathologists and other physicians are not familiar with the way in which tattoos are applied, much less the history of this unusual art or the various aspects of tattoos that may provide even more complete information as to how, where, why, and when the tattoos were done. This article, the first of three parts, provides a brief but comprehensive history of tattooing from both the worldwide and Western perspectives, describes how professional tattooing is done, and illustrates the techniques involved and the various constituents of the inks that are currently used. The second and third articles will explore the gross and histopathology of tattoos, methods of tattoo removal, medical applications, and complications associated with tattooing, psychosocial and psychopathology of tattooing, and the importance of tattoos in forensic medicine.

Key Words: Tattoo—History, tattooing.

One apparently universal quality of the human personality is the drive to achieve a certain level of individuality, be it via cosmetics, dress, hair design, general bodily appearance, or other visually appreciable parameters. Each human culture, throughout history, has had its own variable and constantly changing standards that define beauty, uniqueness, and acceptability into the group as a whole. These standards have changed with time, incorporating values reflecting the inevitable alterations in technology, moral attitudes, political perspectives, and social structures that have occurred throughout the evolution of human history (1-3). However, despite differing societal viewpoints, the desire to present an outwardly unique view to others around us may be so strong (and may carry such cultural importance) that permanent forms of body modification are used. These usually irreversible and essentially indelible approaches include tattooing, scarification, piercing, and cosmetic mutilation. This article and its subsequent companion pieces will focus on the first of these techniques, and provide a comprehensive overview that will allow the forensic pathologist, medical investigator, and other interested individuals a better understanding of all aspects that encompass what, like the master tattooist, has called "the art of tattooing."

HISTORY

The history of tattooing is as old and as varied as humanity. Although the intricately transient nature of tattooing makes it difficult for examples to survive through the ages for the inspection and appreciation of others, occasional discoveries of well-preserved mummies have shown the universality of permanent cutaneous decorative procedures. Additionally, evidence of tattooing has been found

From the Bureau of Forensic Medicine, University of New Mexico School of Medicine, Albuquerque, New Mexico. Dr. Sperry is currently a resident in pathology at the University of New Mexico School of Medicine, Albuquerque, New Mexico. He is also a fellow in forensic pathology at the University of New Mexico School of Medicine, Albuquerque, New Mexico. Dr. Sperry is currently a resident in pathology at the University of New Mexico School of Medicine, Albuquerque, New Mexico. He is also a fellow in forensic pathology at the University of New Mexico School of Medicine, Albuquerque, New Mexico.



96-2918  
3/17/96  
To: CAUR  
STI  
5/17/96  
5/20/96  
Rec'd  
5/24/96  
OK

**D.S. THALER & ASSOCIATES, INC.**  
7115 AMBASSADOR ROAD • BALTIMORE, MARYLAND 21244  
(410) 944-ENGR • (410) 944-3647 • FAX (410) 944-3648

May 14, 1996

Baltimore County Maryland  
Office of Zoning Administration and  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
ATTN: Arnold Jablon, Esquire

RE: SEC Building  
Chadwick Manor Shopping Center  
Spirit and Intent Request 96-106-XA  
DRC No. 09064B  
District ICI  
9/6/94

Dear Mr. Jablon:

This letter is a request for your concurrence that the enclosed "red-lined" plan meets the "Spirit and Intent" of the approval of the site plan presented in zoning Case No. 96-106XA.

The plan, as approved on November 29, 1995, showed the building front orientation away from Security Boulevard with the drive through access from the interior shopping center parking aisles. The final architecture, existing site topography, and various ADA requirements suggested that the orientation of the building rotate 180 degrees to provide better handicap access and integration of the building and site.

The enclosed plan proposes to relate the building as described and to adjust specific parking locations to maintain parking count. No new variances are requested or required.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.

Thomas W. Hewitt  
Senior Project Manager

cc: Anthony Mierzwicki  
David S. Thaler, P.E., L.S.  
Henry P. Sadler, P.E.  
Alan E. Scoll, R.L.A.

Enclosure CIVIL ENGINEERS • SITE PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS

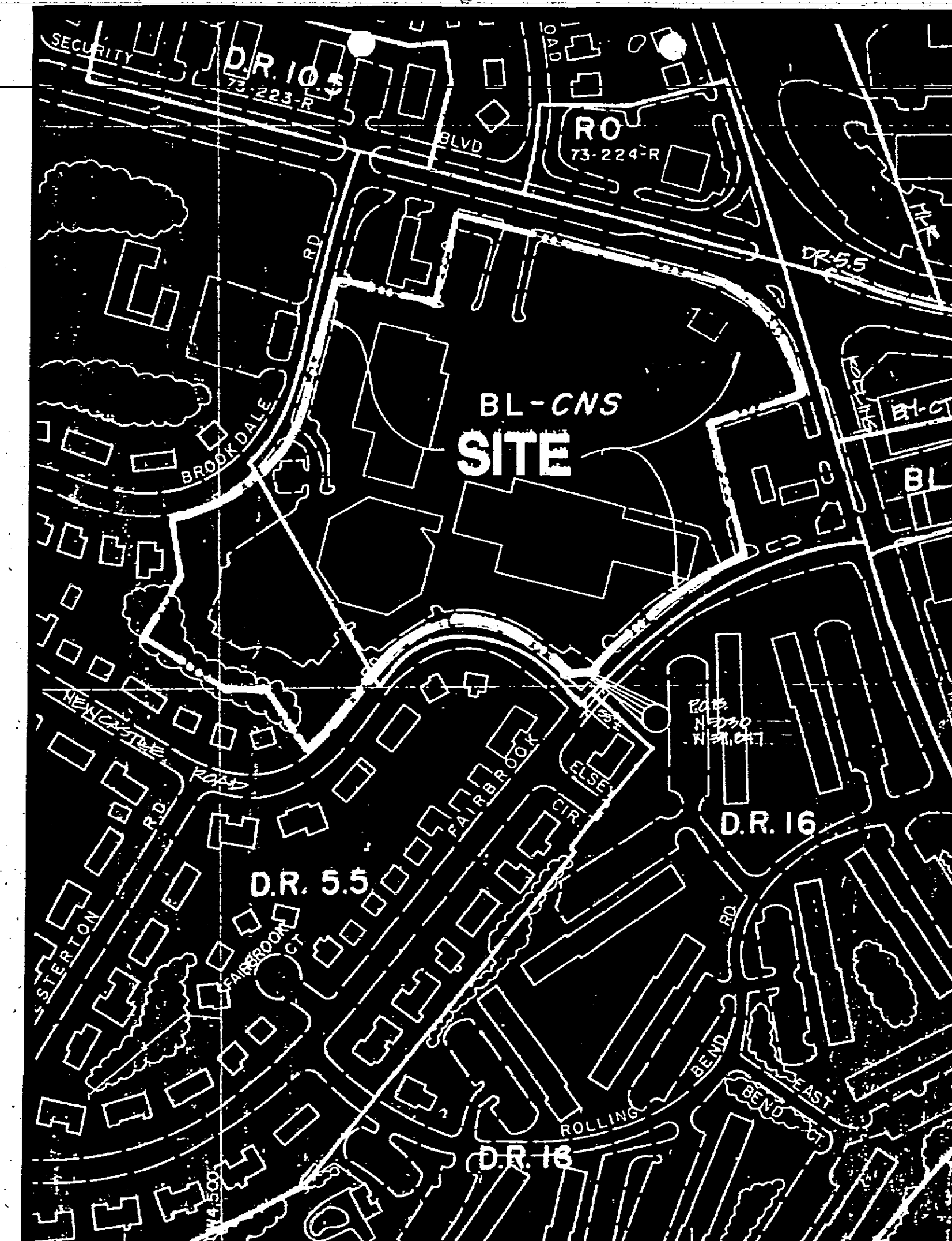
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

MICHAEL E. HADWID	6129 BOWEN AVE. 21224
ANTHONY J. MIERZOWSKI	920 PANDORA RD. 21226
DAVID S. THALER	7115 AMBASSADOR RD. 21244
ALAN E. SCOLL	" " " "
JAMES MORRIS	SEMI 8503 LaSalle Rd. 21226



1992 Baltimore County 200 Scale Zoning Map (NW-2G) To Accompany Zoning Petition

### CHADWICK MANOR SHOPPING CENTER

D.S. THALER & ASSOC., INC.  
CIVIL ENGINEERS • LAND PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS  
7115 AMBASSADOR ROAD, BALTIMORE, MD 21244  
(410) 944-ENGR, (410) 944-3647 5-3-95

#96













IN THE MATTER OF \* BEFORE THE ZONING COMMISSIONER  
Petition for Special Hearing \* FOR BALTIMORE COUNTY  
of Janet Gorfine Oppenheimer, \*  
Lucille Gorfine Cohen, and \*  
LVT Dermagrafix, Inc., \*  
Petitioners, \*  
416 York Road, 2nd Floor, \* Case No. 96-107-SPH (Item 98)  
\* \* \* \* \*

PETITIONER'S MEMORANDUM

NOW COMES, JANET GORFINE OPPENHEIMER, LUCILLE GORFINE COHEN and LVT DERMAGRAFIX, INC., Petitioners, by their attorney, Michael P. Tanczyn, Esq., and submits the within Memorandum to assist the Zoning Commissioner in deciding the issues presented.

Statement of the Case

The Petitioners include Janet Gorfine Oppenheimer and Lucille Gorfine Cohen, who are owners of 416 York Road, and LVT Dermagrafix, Inc., which is the proposed lessee, of the 2nd floor of 416 York Road, as well as the garage located to the rear of the building adjacent to the alley.

The Petition seeks, by special hearing, an interpretation of the Zoning Regulations of Baltimore County to find that the functions proposed to be done at this location by the Petitioners are permitted of right in a BM-CT zone alone as defined under Section 230.9 of the Baltimore County Zoning Regulations as a barber or beauty shop; residential art salon; or pursuant to Section 233.2 of the Baltimore County Zoning Regulations, a

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printing, lithographing or publishing plant employing not more than 25 persons; or further, secondly, that the functions and uses proposed constitute a combination of the above uses as permitted of right under Section 230.10 of the Baltimore County Zoning Regulations; and thirdly that, to the extent necessary, ancillary or related functions proposed are permitted under Section 230.11, "Accessory Uses Or Structures, Including Business Signs" of the Baltimore County Zoning Regulations.

Factual Background

The property at 416 York Road on the 2nd floor is presently vacant and has been for some time. The most recent prior tenant printed and silk-screened tee shirts at that location until the business closed.

Testimony presented by the Petitioners was first by James E. Mattis, P.E. of Mattis-Warfield, Inc., Consulting Engineers, Suite 209, 6600 York Road, Baltimore, Maryland, 21212. Mr. Mattis had been retained by the Petitioners to prepare a plat, had visually surveyed the site and, after being admitted as an expert witness, testified that in his opinion the zoning for the site was BM-CT; that this was the center of the retail business zone in the heart of Towson in the town center; and that the uses proposed by the Petitioners could be accommodated in the property whose access to York Road was by way of a sidewalk level glass door with steps leading to the second floor. He further testified that there was

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rear egress, or entrance, from the rear of the building down through a garage which would be part of the leased area. He further testified that one parking space was provided on site and the Petitioners offered testimony that any required additional parking would be obtained by lease arrangement through the Towson Revenue Authority garage.

Mr. Mattis also identified a series of panoramic photographs, stipulated to by Protestants, showing the 400 and 500 blocks of York Road as well as close-up shots of existing shops and merchandise displayed in them in that same corridor as well as a survey of existing shops and uses in that corridor with a list of vacant properties as of the time of hearing.

The principal witness for the Petitioners was Vincent Myers, who identified himself as President of LVT Dermagrafix, Inc. He testified as to his background in the military in the U. S. Army and produced numerous letter of recognition and commendation as well as certificates of commendation received by him during his time of military service with a medical background. He further testified that it was during his time in the military that he first became trained in the art of design and the application of tattoos. He testified as to the influence and presence of art in his family; and testified that he had originally opened up a tattoo shop in the heart of Westminster, on Main Street, where he built his business. A letter from the Westminster Arts Council was adduced in the

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evidence commending the impact of his operation on the town center in Westminster.

He further testified as to his development as an artist and his professional associations with the Alliance of Professional Tattooists, an international organization formed by another Maryland artist for which he currently served as the Maryland representative.

He testified as to his past work and offered examples which were admitted into evidence of newspaper and magazine articles depicting and describing his work and to his relative standing in the international community of tattoo artists.

He further testified as to the scope of his clientele and the reasons why he sought to obtain a location in Towson to expand his business. He testified that he would have five employees at this site and that he would be one of the artists on site; and, based on his review of the accommodations, how he would lay out his operation on the second floor.

He further testified as to the modest type of identification advertising he proposed by way of signage; namely, white vinyl lettering placed inside the glass door of the entrance to the second floor with an identifying shamrock, which was a trademark of his shop, to be placed in the octagonal glass window immediately above the doorway.

He offered into evidence a self-imposed operating Code of

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Conduct and reviewed in detail the rationale for each of the 9 items proposed.

Mr. Myers also adduced testimony that there are no State or County health laws regulating tattoo application or design studios and that he, as well as his employees, have successfully completed educational classes as offered by the Alliance of Professional Tattooists given by the medical consultant to that Association, Dr. Kris Sperry, the Chief Pathologist for the City of Atlanta, Georgia.

Mr. Myers further testified as to the various functions that are presently involved in his Westminster shop, how those are being accommodated either within his shop or through outside vendors including Kinko's Copy Center of Towson, and his plans to consolidate that function at this site.

The functions proposed, in turn, have to do with the design of individual art designs which can be faithfully replicated, according to Mr. Myers, on skin as presented in the tattoo studio as something called "flash", which are sheets of possible designs. Mr. Myers testified that, as in his Westminster shop, the Towson shop would display on its walls in the reception area "flash" of the available stock designs. He further testified that part of his talent involves meeting with customers who want unique designs and creating custom designs for those clients, which are then utilized as a blueprint in replicating the design as a

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tattoo on the person's body.

Mr. Myers also talked about the independent sale of "flash" and of a recent convention where numbered sheets of "flash" are sold for between \$150.00 and \$200.00 for numerous sheets, or individual limited number signed works are sold for approximately \$20.00 per sheet. He testified that the weekend before this hearing before the Commissioner he had been to an APT convention in Seattle, Washington where he sold \$10,000.00 worth of "flash" in three days. He further testified that he gets requests for "flash" which are purchased by other tattoo artists, customers and collectors by telephone and mail.

He testified that at present he does not have the capability in his Westminster shop to do color "flash" designs and reproductions and is limited to black and white designs at that shop, which are also sold as "flash". He has been utilizing a copy service in Towson and proposes for the Towson location to produce "flash" as above described by utilizing high-quality state of the art color copier or color printers with computer assisted designs to replicate and lithograph and print his copyrighted work.

He testified that the "flash" begins with an artistic design which he does on bristol board with colored pencils or inks and that the "flash" can be exactly and faithfully replicated as a tattoo on persons who select a tattoo design.

He testified as to the cost of a tattoo and that it was

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not in his opinion an impulse or low price shopping item. He testified that at present to produce the numbered works he had to stand at the copy service in Towson and make sure that the copies produced faithfully replicated the original to meet the artistic standards of the original work, which he would then number on a limited edition set after he had inspected them, and he would also have to monitor the production of those copies to make sure that extra copies were not run off by the copy service for the benefit of the copy service or its employees.

The second function that he talked about had to do with the imposition of a tattoo on a person. He testified that there were custom shops and street shops, which he distinguished by saying that custom shops featured individual or custom designs and specialty works where street shops focused more on replication of a tattoo from "flash" selected by a customer.

He testified that not only have his designs won national and international awards as "flash" but also for the completed work on tattoos done on individuals, and he described a system where those who had been tattooed would enter contests where they would be given awards based on the appearance of their tattoos.

Mr. Myers stressed his background training and that of his employees to insure that sterile technique and environment was maintained in the shop as far as precautions taken.

He testified as to the costs of a large work over large

7

parts of the body and explained that a relatively small percentage of his work involved corrective or cosmetic repairs done to tattoos which had been done by amateurs both as to tattoos and as to body piercings.

He testified that there would be a secluded area in an enclosed room in the second floor where body piercings would be done, which he likened to ear piercings and facial piercings; and he explained the difference between through piercings, which he does, and surface piercings, which he will not do.

Testimony was adduced through Mr. Myers of the existing CFR Regulations, principally dealing with the maintenance of a sterile environment. He gave testimony as to type of blunt solid needles used in applying tattoos, and to how they are routinely maintained and how they are disposed of in Sharps containers after being disinfected. He further described sterilization techniques and equipment used in his business.

Mr. Myers further testified as to the awards both he and David Waugh, another artist employed by him with a following in the tattoo art community, have earned, both nationally and internationally, and he concluded his testimony by telling the Zoning Commissioner of letters from clients around the world who have either requested that he tattoo them or provide an internship for them to learn the art of tattooing.

He further testified that, if necessary, all of the

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## Part II: Gross Pathology, Histopathology, Medical Complications, and Applications

Kris Sperry, M.D.

[illegible]

## GROSS PATHOLOGY OF TATTOOS

The greatest pathologic alterations caused by tattooing begin at the moment the needles first pierce the skin and deposit the pigment. As the tattoo machine cycles repetitively, the tube and its interior needles are guided slowly over the skin, creating a series of punctures that each contain the ink particles. Individual lines are created by carefully tracing the machine over the design that has usually been drawn on or etched into the skin. The operator is steady so that the needle penetrates through the epidermis and just into the papillary and reticular dermis, but no deeper; this is generally a depth of 1-2 mm. In between short line segments, the extra ink that sprays on the adjacent skin is wiped off, and the end of the tattoo machine tube is dipped into a shallow ink cup, replenishing the small quantity that is carried on the needle.

If an area is to be filled in with solid color, the needle bar holding several needles in a clump is used, and this is worked over the region repeatedly, until the desired color density is achieved. Shading is accomplished with a needle bar holding up to six needles. The needles are worked over the area in a series of overlapping strokes until the shading dimension is adequate. The amount of time and effort devoted to filling in large design areas with colored or black ink varies with the skill of the artist. If a small area of color is required, the contour lines and the primary needle perforations will significantly disrupt the epidermis, abrading or even macerating the skin, causing extreme scabbing during the healing phase and probable pigment loss. This creates unsightly gaps and irregularities within what should be a smooth, uniform surface. The artist must be aware of "holidays" by the tattoo artist, and generally reject any tattoo technique.

The results of this study were presented in part at the National Association of Medical Examiners annual meeting, September 1970, Denver, Colorado.

Address correspondence and reprint requests to Kris Sperry, M.D., Fulton County Medical Examiner's Office and the Department of Forensic Sciences of the Georgia Bureau of Investigation, 50 Ch. a City Place, S.E., Atlanta, GA 30303, Atlanta, Georgia.

Accepted for publication 15 June 2006; accepted for publication by the Editor 16 June 2006

## BY DR. KRIS SPEER

[This is the first of a two-part essay, which is meant to elaborate upon the information I included in my lecture at the National Tattoo Association Convention at the Meadowlands in New Jersey in April 1992. The next part will address the facts, fallacies and questions surrounding AIDS, and how these two diseases relate to tattoos and tattooing.]

Hepatitis B is caused by a virus, and has been recognized as an illness for over a century, although the virus has only been identified specifically and characterized biochemically since after the Second World War. The virus is a spherical particle, 42 nm in diameter, with a protein coat, a lipid material, and a proteinaceous envelope. Hepatitis B is a major world-wide health problem, especially in underdeveloped countries where sanitation and hygiene are poor. It is a major cause of liver disease, and is responsible for as many as 170 million Hepatitis B carriers in the world, mostly concentrated in India, Asia, Africa and other Third World countries, and in some areas, about 25% of the population are carriers of the infection (which means that they can transmit the disease to others).

Classically, hepatitis B is transmitted to others by contamination with blood or blood products, which enter the body through open wounds, mucous membranes (such as the eye or mouth), blood transfusions, surgical procedures, accidental poking with a contaminated needle, or exposure to contaminated blood. Blood and blood products are also spread by sexual abuse, and of course, tattooing with needles that have not been sterilized between customers. However, looking at all cases in the world, far and away the most common means of transmission is from mother to child, either during pregnancy, through sexual intercourse, and from the mother to the unborn infant through the placenta. This also accounts for many of the Hepatitis B cases in the United States. Hepatitis B is not transmitted through contact with Hepatitis A, nor by coughing, sneezing, or other respiratory routes. Currently Hepatitis B accounts for about 10% of the transmission-related hepatitis cases, even though rigorous testing methods are used. In 1990, there were 100,000 new cases of HB per year in the US, with about 9000 HB-related deaths.

Hypoglycemia (B) (referred to as HB) undergoes an incubation period after a non-immune person is exposed, which varies from about 55 to 110 days, during which the person exhibits no symptoms. The infected person may develop the classic icteric form, which means that they become quite ill and turn yellow, or the monitic or subclinical form, which may exhibit only symptoms of a mild flu-like illness, a sore throat, and a mild fever. The icteric form is characterized by the person not turning yellow. This is important for two reasons. First, the smaller the amount of infected material which enters the body, the more probable that the clinical form will develop, rather than the icteric form. Second, persons who experience the subclinical HB form have a greater likelihood of becoming chronic carriers of the HB virus, rather than clearing the virus from their body. There is more evidence in people who go through the icteric form. Chronic carriers remain able to infect other people.

In a little over a decade, the disease defined as the Acquired Immune Deficiency Syndrome (AIDS), or Human Immunodeficiency Virus (HIV) has progressed throughout the United States and the rest of the world with alarming rapidity, and it continues to spread essentially unchecked. Most recently, AIDS has appeared in many areas and in many people who have not been exposed to the virus. The spread in the next few years to decimate populations in a manner similar to the immense depopulation of Central Africa. Conservative estimates place somewhere between two and three million people in the United States as being HIV positive. Thus, it is no wonder that a number of people are being tested for AIDS, for fear of a possible body fluid exposure, whether medical or not, has come under greater scrutiny for the possibility that AIDS might be transmitted unknowingly. Tattooing is no exception to this recent trend, and, increasingly, media, health department, and public attention is being focused upon this ancient art as a possible way in which AIDS might be spread.

Based upon current scientific understanding, the AIDS virus comes from the early transmembrane proteins, from the way which the virus takes over the genetic machinery of the individual cell in order to make more virus particles. The specific origin of the AIDS virus is not known, although many theories exist. The AIDS virus is unlike any other human viral diseases, in this sense: In most diseases, the body makes complex proteins named antibodies which protect the system against identifying the infectious agent (whether virus or bacteria) and attacking it. However, a human with the antibody against AIDS is not protected against the infection, because for reasons unknown, the antibody against AIDS is a sign that the person carries the virus in their system and is potentially infective to others. This is the fundamental reason why there is not yet a vaccination against HIV; vaccination against other diseases works because the body produces other diseases, but not in AIDS. Thus, the HIV infected person gradually experiences deterioration of their immune system, rendering them susceptible to many unusual infections that the normal, healthy person is protected against by their own intrinsic immunity. Unfortunately, HIV may incubate silently for even eight or more years before the immune system begins to fail, but the virus may be transmitted from one person to another during this silent time.

HIV transmission is entirely dependent on blood or body fluid from an infected individual entering the blood stream of another person. Thus, the classic and usual transmission routes include sharing of intravenous needles by drug addicts, blood transfusion, and sexual intercourse. The latter category includes heterosexual intercourse (that is, without condoms) and carries a lesser risk is magnified considerably when there are multiple partners, when open lesions (such as syphilitic sores) are on the genitals, or when the partner is infected with another blood-borne virus. In all cases, the lines between the early damaged condoms will certainly

2531

PEARL THORNTON: SUNSTAY

■ **Going mainstream:** *With puppies replacing drunken sailors in tattoo parlors, a cultural sea-change is clear under way.*

**By By KEVIN COWHERD**  
**SUN STAFF**

**Artist at work:** Tom Beasley outlines a tattoo design at Drag Moon in Glen Burnie.

ton) and NBA players (Michael Jordan, Dennis Rodman) showing off their tattoos. So is the pimply-faced 19-year-old economics major who lives next door to you, and that 29-year-old ad executive down the street, especially if she's a female. (Women now make up more than

So is Norman Riskin of Parkville. You can't get any more mainstream than Norman Riskin. Norman Riskin is 40 years old and works for the Internal Revenue Service. The government, for crying out loud!

Norman Riskin never had a tattoo in his life. But a streak of wildness runs through all of us, and it turns out Norman Riskin secretly lusted for a tattoo for years.

"I don't know... maybe this was a mid-life crisis," he says. "I was def-

To decorate the Norman Rifkins of this world, there are now some 10,000 tattooists nationwide, compared to only about 400 in 1965.

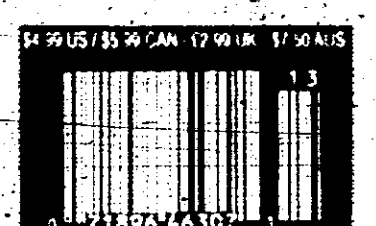
husband, Tom, of Dragon Moon and the founder of the Alliance of Professional Tat. [See Tattoo, 58]

## ne, teachers play it safe Living for tod

# Amazing Tattoos For You!

# Tattoo Artists And Fans

-pg.3



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# Underwater Wonders

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# Tattoos By Little Winnie





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The images have to flow,  
melting into each other effortlessly.  
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with balance and symmetry.

**The Penthouse**  
Condominium

28 W. Allegheny Ave. Towson, Maryland 21204. 410-821-6700

November 9, 1995

Mr. Lawrence Schmidt  
Baltimore County Zoning Commissioner  
Towson Court House Suite 112  
400 Washington Avenue  
Towson, Md. # 21204

SUBJECT: ZONING - "TATTOO PARLOR"

Dear Mr. Schmidt:

As a community representing TWO HUNDRED ELEVEN (211) families, it is very important that we go on record to the fact that we totally OBJECT to a change in the zoning of properties on York Road and in Towson for the purpose or use of a "Tattoo Parlor."

This is of great concern to our community, which is located in the center of Towson, because of the element generally associated with this type of activity and others that follow. We choose this location for its security, conveniences-shopping, entertainment, churches and to stroll leisurely in Towson to the Park area and the Court Plaza.

We sincerely hope that you will give this matter your indepth consideration.

Thank you and with kindest regards,

I am

Very truly yours,  
H. "MAX" VANWRIGHT  
COUNCIL OF UNIT OWNERS  
VICE-PRESIDENT

HMV:m

(410) 286-0300  
FAX (410) 823-7909

Maryland Development & Investment Corporation, Inc.

The Penthouse Condominium  
28 W. Allegheny Ave. #1303  
Towson, Maryland 21204

H. MAY "MAX" VANWRIGHT  
BROKER

November 9, 1995

Dear Mr. Schmidt:

I would be remiss if I did not take this means to let you know that I am personally interested in the growth of Towson.

I have been involved in real estate for 49 years and over 35 years in Towson—all phases: commercial, residential and now as a resident at The Penthouse Condominium for 17 yrs when it came out of the ground. I have been a member of TBA for approximately 15 years and honored in 1993 - as recipient of TBA member of the year award and key member award from the Spring Festival Committee. I am very proud of Towson work daily to ensure continued growth.

I would ask that you consider our interest.

Kindest regards,

Sincerely,  
H. "MAX" VANWRIGHT  
COUNCIL OF UNIT OWNERS  
VICE-PRESIDENT

MR. LAWRENCE SCHMIDT  
BALTIMORE COUNTY ZONING COMMISSIONER  
TOWSON COURT HOUSE SUITE 112  
400 WASHINGTON AVENUE  
TOWSON, MD. # 21204

TOWSON BUSINESS ASSOCIATION

**TOWSON GUIDE & BUSINESS DIRECTORY**  
1995-1996

A community partnership publication with Putnam Publishing Company and given to the Towson Times

RECEIVED  
2 1995  
ZONING COMMISSIONER

JOHN G. SCHISLER  
625 COVENTRY ROAD  
TOWSON, MARYLAND 21206

October 29, 1995

Zoning Commissioner,  
Mr. Lawrence Schmidt,  
Old Courthouse,  
400 Washington Avenue,  
Towson, Md. 21204

Dear Mr. Schmidt:

I am writing, as a 29-year resident of Wiltondale and a 66-year resident of the Towson area, to express my great concern about the proposal to have a tattoo parlor on York Road in the heart of Towson.

I am concerned about parking, whether by customers or the curious, about the further degradation of what was and could be an attractive and viable commercial area, about the lack of regulation of tattoo parlors and their "staffs" about the serious health concerns that tattooing causes under even the best of conditions, and I am extremely concerned about the kind of people that a tattoo parlor would draw to add to the new "billiard parlors" and the other clothing store.

Sincerely,  
John G. Schisler

RECEIVED  
2 1995  
ZONING COMMISSIONER

John A. White, Jr.  
1755 York Road  
Towson, Maryland 21204

Oct 30, 1995

Dear Commissioner Schmidt,

In regard to cases 96-1075 PH (Item 96) we are deeply concerned and wish to express that concern to you.

"LVT Dermagraphics" seems to be out of keeping with the Towson area. The lack of parking, disposal of needles and type of business and where it would attract make it very undesirable.

We appreciate any thing you can do in this matter.

Sincerely,  
John A. White, Jr.  
Robert A. White

Dear Mr. Schmidt:

This letter is written to express our concern regarding the petition for a tattoo parlor in Towson. As long time residents, we feel strongly that businesses that in the long run can hurt Towson, are coming into the area. We would hate to see Towson develop a "strip." The tattoo industry is unregulated in health and behavior, and as we all know, self-regulation often doesn't work (will needles be disposed of safely, will tears be tattooed?) Even though this particular vendor may be of high standard, what will prevent those of lower standard. They may well follow suit to establish businesses in the area.

We strongly encourage denial of this request to establish business in Towson. No Tattoo parlors, please.

Carol & Skip  
Roupton  
613 Stevenson Lane  
Towson, MD.  
21286

Mrs. Kenneth W. Volk  
604 YARMOUTH ROAD  
TOWSON, MARYLAND 21204

Oct. 24, 1995

Mr. Lawrence Schmidt,  
Zoning Commissioner  
Old Courthouse  
400 Washington Ave.  
Towson, Md. 21204

Re. 96-1075 PH (Item 96)

Dear Sir,

My husband and I have been residents of Wiltondale, Towson, for the past 40 years. My husband had a dental practice in the area for 35 years and is still involved in the life of Towson as a tennis coach at Towson State.

We have seen many changes in